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SUPREME JUDICIAL COURT.

THE ADMINISTRATORS,

BODMAN AND PEASE,

vs.

THE AMERICAN TRACT SOCIETY,
NEW YORK, *et al.*

AND

THE AMERICAN TRACT SOCIETY,
BOSTON,

vs.

ALEXANDER DE WITT,
ADMINISTRATOR, ETC.

65729

Amer. Tract Soc.
Nov. 15. 1864

THE ADMINISTRATORS, BODMAN AND PEASE, *vs.* THE AMERICAN TRACT SOCIETY, N. Y., *et al.*	*Complainants' Bill.*

Hampshire, ss.

To the Honorable the Justices of the Supreme Judicial Court holden at Northampton, within and for the county of Hampshire.

Humbly complaining, show your petitioners, Lewis Bodman of Williamsburgh in said county, and Leverett E. Pease of Somers in the county of Tolland and state of Connecticut, that on the first day of November, A. D. 1859, by decree of Hon. Charles Mattoon, judge of probate for the county of Franklin, they were appointed administrators with the will annexed of the estate of one Luman Pease, late of Deerfield in said county of Franklin, deceased, and accepted said appointment and gave bonds according to law to fulfil its duties ; that said will was proved and allowed on the same day ; and said will contains, among other things, the following clause :

" *Seventh,* I will and bequeath the remainder of my estate to the American Bible Society, the American Tract Society, the Foreign Missionary Society under the direction of the American Board of Commissioners for Foreign Missions, the Home Missionary Society for the state of Massachusetts, and the Education Society for the state of Massachusetts, in equal shares to each of the above mentioned societies. And in designating the said societies, I intend those, and those only, that maintain and support the tenets and doctrines of the Presbyterian and Congregational order."

And your complainants further represent that there is a considerable amount of money in the hands of your complainants as administrators as aforesaid, which they are ready to pay to the legatees described and referred to in the said clause of said will ; but that as they learn there are two societies bearing the corporate name of the American Tract Society, one of them having a charter of incor-

poration from the state of New York, and having a usual place of business in the city of New York ; and the other having such charter from the commonwealth of Massachusetts, and having a usual place of business in Boston in the county of Suffolk, but each maintaining and supporting the tenets and doctrines of the Presbyterian and Congregational orders ; that each of said Societies habitually maintains agencies and solicits and receives donations within this commonwealth, and that each of said Societies claims to be the Society referred to in said bequest, and forbids your complainants from paying over the amount of said bequest to the other.

And your complainants are apprehensive they cannot safely pay the monies falling due under said bequest to either of said Societies without the advice and direction of the court. Therefore they pray that the said American Tract Society incorporated by the state of New York, and the said American Tract Society incorporated by this Commonwealth, may be summoned to appear and answer, and may be decreed to interplead and adjust their several claims between themselves ; your complainants hereby offering to pay over the amount due or which may become due under said bequest to whichever of said Societies shall appear entitled thereto according to said will, under the instructions of the court. And to this end they pray that a writ of subpœna may issue from this court directed to each of said Societies, commanding them, at a certain day therein named, to appear before this court, to answer all and singular the premises, and to abide such order therein as to this court shall seem meet.

And your complainants shall ever pray.

DAVIS, ALLEN & DAVIS,
Solicitors for Compl'ts.

Hampshire *ss.* SUPREME JUDICIAL COURT:

IN CHANCERY:

In vacation, at rules, August 1, 1861.

BODMAN AND PEASE, ADMINISTRATORS OF LUMAN PEASE,

vs.

THE AMERICAN TRACT SOCIETY, *New York*, AND THE AMERICAN TRACT SOCIETY, *Boston.*

The several answer of the American Tract Society, a corporation duly incorporated by the legislature of the state of New York, and having its principal office and central place of business in the city of New York, and being duly organized under its act of incorporation, according to the laws of the state of New York, saving all just exceptions to the plaintiffs' bill, the same as if they had been pointed out by demurrer, this defendent, as to so much of said bill as it is bound by law to answer, says:

That it is willing to admit, as alleged in the plaintiffs' bill, that the said Luman Pease made and duly executed his last will and testament on the second day of April, in the year of our Lord one thousand eight hundred and forty-six, with a codicil thereto, dated the third day of August, in the year of our Lord one thousand eight hundred and fifty; and that the same was duly admitted to probate and properly proved and established in probate court, having the appropriate jurisdiction in the matter, and that the plaintiffs were duly appointed administrators of the said Luman Pease, with the will annexed, in the manner set forth in the plaintiffs' bill.

This defendant further admits, that said will did contain the bequest or legacy to the American Tract Society as set forth in the plaintiffs' bill of complaint, and that the other defendant in this bill, by some name and in some form or pretence, has set up some kind of claim to have the amount due upon said legacy to this defendant paid by the plaintiffs, as administrators of said Luman Pease, to the

other defendant. But as this defendant is wholly ignorant of the ground of such claim, except as hereinafter stated, it will leave the other defendant to state the ground of such claim, and to make such proof as it shall be able.

This defendant has no doubt, and therefore admits that there is a considerable amount of money in the hands of the administrators, which they would be glad to pay over to whomsoever is lawfully entitled to the same; and this defendant charitably believes, but for the false claims of the other defendant in this case, the same would long ago have been paid over to this defendant, as in equity and good conscience it ought to have been.

But as this defendant is called to state the ground of its claim to have and receive the benefit of such legacy or bequest, it will do so as briefly as consistent. This defendant had its origin in the New York Religious Tract Society, which was formed in the city of New York in the year 1812; but it was not formed into a distinct society by the name of the American Tract Society until the year 1825, and was not incorporated until the year 1841.

This Society, ever since its institution in 1825, has received large donations, by way of subscriptions, collections, and legacies, from numerous persons in every part of the United States and from other countries, amounting to many thousand dollars annually. These sums, together with large sums arising from the sale of tracts, periodicals, and books of a religious character published by this Society at the lowest price of their actual cost, amounting some years in the aggregate to nearly half a million of dollars, and during the whole period since 1825 to about seven millions of dollars, have been expended by this defendant in the production and distribution of such books, tracts, and periodicals in every portion of Christendom and at the numerous missionary stations in pagan countries. These publications have been in most of the languages of modern Europe, and in many different languages and dialects besides. This defendant had thus, at the date of the testator's will, become one of the most extensive and generally known publishing houses in the United States. And as a religious institution of the most extensive and beneficial character and influence, this defendant was as familiarly and as universally known as almost any other in every portion of the United States and elsewhere.

At the time this defendant went into operation as a distinct organization, the other defendant had existed under different names for about ten years, having the location of its business operations

sometimes in Boston and sometimes in Andover in this commonwealth. It was first formed in 1814, and incorporated in 1816, by the name of the New England Tract Society. Its operations were at first confined chiefly to the New England states, but gradually extended into the middle, southern, and western states. It encountered difficulties in extending its operations throughout the Union, and attempted to remove them in different ways. It procured an act of the legislature altering its corporate name to the American Tract Society, and resorted to numerous other expedients for that purpose. But it still encountered difficulties in carrying forward its contemplated work of national tract distribution, either in consequence of not being in the commercial centre of the country, or from its defective organization or mode of operation, or from some other cause. It is not improbable this embarrassment was more serious than it would have been after the existence of railways throughout the country.

In this condition of affairs, which was felt and well understood by the friends of the cause throughout the country, some gentlemen in the city of New York connected with the New York Religious Tract Society, as early as August, 1824, took into consideration the question of establishing a National Tract Society in that city. In December, 1824, the executive officers of the New York Religious Tract Society proposed to the Boston Society, which then had its business centre at Andover, to transfer the seat of its operations to New York, and thus become the National Society or organ. This the Boston Society declined doing, and the negotiation resulted in a mutual understanding and agreement among the leading friends of the two Societies and of the enterprise generally, to form a new society for that purpose in the city of New York, the terms and conditions of which were settled by consultation among those interested in the project, and especially the leading officers of the two tract societies already named.

In consummation of this purpose, a meeting of delegates from all the religious tract societies in the country, including the Boston Society, was called in the city of New York on the 10th day of May, 1825, and a meeting held in pursuance of the call, at which a society was formed by the name of the American Tract Society, to act as the National Society throughout the country. This Society appointed a delegation, consisting of its Publishing Committee, to attend the annual meeting of the Boston Society, on the 25th of May, 1825. The delegation attended the meeting, and were cordially received by

the Boston Society; and after a full discussion of the propriety of uniting the two Societies, on the following day the Boston Society passed the following resolution: "That it is highly desirable for this Society to become a branch of the National Society established in New York, and that the Executive Committee be authorized to consummate the union upon such principles as will promote the great object of both Societies."

On the same day the committees of the two Societies met and arranged the outline of the purpose contemplated in the foregoing resolution, in a series of resolutions contained in their published proceedings, to which this defendant begs leave to refer for greater certainty, and to make them a part of this answer. The substance of the arrangement was, that the Boston Society should thereafter constitute a branch of the New York Society, which should act as the National Society; that the Boston Society should altogether cease its publication of tracts, periodicals, and books; that the series of tracts which had already been published by the Boston Society, should, upon being revised by a joint committee of the two Societies, thereafter be published by the New York Society; that the American Tract Magazine and the Christian Almanac, which had before that time been published by the Boston Society, should also be thereafter published by the New York Society; that all tracts and periodicals which the Boston Society might require should be furnished by the New York Society on as low terms as they could be published by the Boston Society; and that upon the New York Society acceding to these terms, in the language of the resolution, "This Society shall become a branch of the American Tract Society established at New York, and its union shall be then and on those principles consummated."

These terms of union were accepted by the New York Society, and the stereotype plates and engravings of the Boston Society were immediately purchased by them, and all the publications of the Boston Society were thus transferred to the New York Society. The Boston Society thus ceased publishing tracts or any other publications on their own account, and purchased exclusively of the New York Society such publications as it found requisite for its own field of labor, which by mutual arrangement between the two Societies was limited thereafter to the states of Massachusetts, Maine, and New Hampshire, and that portion of Vermont east of the Green mountains.

The Boston Society remitted of the funds collected from its pre-

scribed field from time to time, according to its ability and convenience, to the New York Society, which in its annual reports and other official communications it denominated the "Parent Society" and the "National Society," sums in all amounting to $250,000, between the years 1827 and 1858.

Upon consummating this arrangement, the Boston Society gave up all connection with the tract distribution and collection of funds in every portion of the United States, except that already named as its prescribed field of labor. And it has been solely in pursuance of this arrangement, that the Boston Society has received contributions and donations within its limited field, intended by the donors to advance the leading objects contemplated in the organization of a National Tract Society. This it might do with the more propriety, since being a branch of the National Society, and bound by consequence in that imperfect obligation by which all the operations of such organizations are conducted, to remit, by way of donation, in form, all funds received for the common object, and which it had not found it needful to expend within its own field, the result was the same, into whichever treasury such donations and contributions came in the first instance. But this was an arrangement between the two Societies exclusively, and for their mutual convenience in transacting and accomplishing the general purpose and object of both Societies, during the continuance of these harmonious relations of principal or national society, and branch, or auxiliary, or agent. In receiving such donations or collections, the Boston Society was acting as the agent, or hand of this defendant, in transacting its affairs in that particular portion of the national field. And it was not supposed by donors, nor was there in fact any distinction between the two Societies during the continuance of these relations, except that, as hereafter stated, the mode of doing the business of this defendant, as the only active and responsible instrument throughout the nation, naturally drew the public attention chiefly, if not exclusively, to the National Society in the city of New York, as the only sensible personification of the American Tract Society. No question in regard to the receipt or disbursement of funds ever arose between the two Societies, during the continuance of their harmonious relations. The two Societies acted as integral parts of the same catholic organization, created and laboring for the accomplishment of the same general purpose, the dissemination of Christian knowledge and evangelical truth throughout the whole country and the whole world.

This defendant admits that the other defendant was expected to

meet all the wants connected with its own field out of the funds collected there. These were confined chiefly to the payment of the salaries of its officers and agents, and the expense of publishing its reports, with the purchase of such publications as it required for sale and distribution, which were furnished mainly by this defendant. These were not expected nearly to exhaust the sums collected in that field, since that was a region from which large collections were expected, and where but small sums were needed to be expended; consequently, although from the nature of the case no express stipulations to that effect were demanded or given, there nevertheless existed an implicit understanding between the two Societies, during the whole period of their connection, that whatever surplus should remain in the treasury of the Boston Society should, from time to time, as convenience might dictate, be remitted to this defendant as the National Society, to be by them expended in its wider field of operations, where the disbursements far exceeded the collections. And it was in faith of this understanding that the balance of funds in the treasury of the Boston Branch, from time to time, came into the treasury of this defendant, which indeed, as matter of courtesy, was denominated donations; it being immaterial to this defendant whether they were entered upon its books as donations from the Boston Branch, or from the original contributors to whom they already to a great extent stood credited on the books of the Branch. It was thus that this defendant received the $250,000 already named from the Boston Branch, and $500,000 for tracts and other publications furnished them during the period of the connection. This sum constituted about three-fourths of all the funds collected by the Boston Society, from every source, during the period of the connection. And it was solely in confidence of this mode of disbursing these funds, that this defendant continued so long and so quietly to acquiesce in the Boston Branch receiving so large a surplus, above any necessity of expenditure within its own field of operation.

The secretaries and agents of this defendant, during the period of the connection between the two Societies, often labored within the field of the Boston Society, for the purpose of increasing donations to the common cause. And in so doing, they urged the necessities and destitution, in point of Christian culture, in the thinly settled districts of the west and south-west; and the demand made for tracts on the foreign missionary stations; and the great benefits arising from the distribution of the tracts and other publications of the National Society, by way of sale and donation, through the agency of colpor-

teurs and others. And the secretary and agents of the Boston Society, in performing the same duty in their own field, made use of the same arguments and illustrations, drawn chiefly from the operations of this defendant altogether without the field of the Boston Branch. If then this defendant or the agents of the Boston Branch were sincere in such arguments, they were attempting to induce the charitable in those states to give for the purpose of replenishing the treasury of this defendant. And this defendant insists such was the ostensible and the actual purpose and design of both the Parent Society and the Branch.

This relation of almost perfect subordination of the Boston Branch in every particular to the interests and the efforts of this defendant, continued with perfect harmony of operation until the anniversary of the Boston Society in 1858, in the month of May, when that Society resolved, "That the expediency of dissolving the connection between this Society and the National Society of New York, be referred to the Executive Committee now to be chosen, to report next year." "That this Society will receive collections, donations, and legacies from all sections of the country, and will take charge of the supervising and disbursement of the same by their own officers and agents in this and other countries." "That the Executive Committee be instructed to pay over no more money to New York, except for publications." This in effect terminated the relations of the Boston Society with this defendant as a Branch.

Although during all this period the Boston Society retained the name of the American Tract Society, it never in fact performed any of the functions of a National Society after it became a branch of the American Tract Society, New York; so that the term American, which it still retained as part of its corporate name, was not used to indicate its present character or extent, but only from the accident of its incorporation and continued existence as a corporation. As applied to its condition, during the period of its connection with this defendant as a branch, that term, in any sense of nationality, could be considered nothing less than a most expressive misnomer, as applied to the other defendant.

After the formation of the American Tract Society of New York as a National Society, it very soon formed extensive branches and auxiliaries in all the principal towns throughout the United States, and has continued to fulfil all the functions of a National Society to the fullest extent until the present time; and since the secession of the other defendant, it has felt compelled to extend its operations

throughout the field formerly assigned to the Boston Branch, and to receive donations, collections, and legacies there, and to disburse them solely through the instrumentality of its own agencies, and to extend the work of selling and distributing tracts and other publications of the Society within the same limits as it does in other portions of its field ; so that in consequence of the act of the other defendant, there is now of necessity a double organization, performing substantially the same functions throughout the United States, divided only upon the one question of domestic slavery at the South, and in regard to that chiefly as to the most judicious mode of attempting to lessen or to remove its evils or abuses, or to hasten its ultimate extinction, and how far it may be consistent with the original constitution of this Society to obtrude upon the South publications in regard to the institution of domestic slavery, and the duties resulting from the relation of master and servant, which would be calculated to create uneasiness and dissatisfaction in the mind of the servant, or to give offence or to beget a want of confidence and respect in the mind of the master towards his Christian brethren of the North, or of the managers of this Society in particular. This defendant has no disposition to mix up the detail of that controversy with the present litigation, further than is indispensable to a correct understanding of the respective rights of the parties growing out of the separation. But this defendant insists that wherever donations or legacies have been given, which in the mind of the donor was intended solely or chiefly to advance the work of this defendant, and which, at the time of the gift, were intended solely for the replenishing of the treasury of this defendant, their destination thus designed by the donors is not to be defeated, or in any way affected, either by any change of relation or of operation of these two defendants, or by the private arrangement and understanding which existed between these two defendants as to the mode of receiving and disbursing funds in any particular district intended for the advancement of the common purpose of both Societies, and which was wholly unknown to the donors, and could therefore have no legitimate bearing upon the legal or equitable title to such donations. But this defendant will insist and will hope to show to the satisfaction of this honorable court, when permitted so to do, that neither of these considerations can be permitted to have any bearing upon the question as to which of these defendants is entitled, according to the just principles of law and equity, to receive the bequest now in dispute.

This defendant deems it important to a correct understanding of

this case, and to the true construction of the language of the said Luman in his said last will and testament, to inform this court in some degree of the extent of its operations before and at the date of said will. It has issued from its press more than four hundred volumes of books of a strictly religious and Christian character, of which 15,000,000 copies have been printed and circulated ; and more than 2,000 tracts, of which 200,000,000 copies have been printed and circulated in this country, in ten different languages ; and 3,000 tracts, published at the Society's expense, in 129 languages and dialects in foreign lands, the copies of which have been multiplied by millions, and circulated by missionaries in connection with different Boards, and others. This defendant has also published more than 60,000,000 copies of periodicals, such as the American Messenger and the illustrated Child's Paper, and Botschafter or American Messenger in German, which have circulated extensively in every portion of the land.

These immensely numerous publications have gone out over the land and throughout the world, bearing the imprint of the American Tract Society, New York ; and from the first organization of the Society its publications have been widely circulated in almost every parish in Massachusetts. From these issues this defendant has become widely and familiarly known as the American Tract Society in almost every portion of the Christian world, and especially in the commonwealth of Massachusetts. This defendant in its extensive operations early adopted the practice of applying some portion of its donations to aid the religious press abroad, in which it has expended half a million of dollars in issuing publications in foreign lands ; it inaugurated the monthly distribution of tracts, in which tens of thousands of persons have been employed in this country throughout its entire extent ; so also of the volume enterprise, as it has been called, which has been carried forward by this defendant, and has done very much to supply the country with an evangelical literature : and the colportage system is the work of this defendant chiefly, in which more than four thousand people have been employed by this defendant, almost half of whom were students of colleges and theological seminaries. These colporteurs have labored in all parts of the United States, in Canada, and in Mexico. In the last twenty years this defendant has expended more than one million of dollars in carrying forward this department of its work alone : and these agents, in their monthly, quarterly, and annual reports, have given detailed accounts of the wants and necessities, and the efforts made for its relief in their several fields of labor, an abstract of which will be found in the

successive annual reports of this defendant, to which reference is here made as part of this answer, for greater certainty.

These facts, together with the foreign correspondence of this defendant, contained in its annual reports, to which reference is also made, have formed the basis of the appeals made throughout the country, and in this commonwealth in particular, both by the National Society and the Boston Branch, for aid by way of collections, donations, and legacies. And these facts have been incorporated into the annual reports of this defendant from year to year, and have also been repeated in the annual reports of the other defendant, by incorporating the same identical sheets of the reports of this defendant, containing this detail, into the reports of the other defendant, without the slightest change, being sheets from the identical type upon which had been printed the reports of this defendant. This has been done from year to year, to the extent of fifty and one hundred pages in each year, as will appear by a comparison of said reports. And this defendant avers and insists, and is ready to prove, that all these operations above detailed were carried forward exclusively by this defendant, and that the other defendant was not engaged in any similar operations, or if so, it was only to a very limited extent within its prescribed field.

It has thus naturally happened, as this defendant insists, that the Boston Society, the other defendant, has been known to the public and to individuals in this commonwealth solely as a branch, auxiliary, or agent of this defendant, and not in any separate, distinct, or independent capacity; and that by thus voluntarily disclaiming its character of a national society, engaged in a national work, and assuming one of a subordinate and limited character, it necessarily lost its national name, so far as the popular apprehension and understanding was concerned; and instead of being known in its former character and by its former name, it became known only according to its existing character and work, and by its existing name of the Boston Branch of the American Tract Society, which implied the Boston Branch of this defendant's corporation, and consequently when one spoke or heard of the American Tract Society, it excited no apprehension whatever of the other defendant, but exclusively called to mind the existence, character, and work of this defendant.

And this defendant insists that the testator in this case, in using the name of the American Tract Society, used it in this popular sense, and as descriptive only of this defendant; and that the application of that name to the other defendant exclusively, without any

explanation of the reason or ground of such application, would have been totally unintelligible to any person who had no knowledge of the corporate name originally given to the other defendant, as this defendant insists the testator had not. On the other hand, the American Tract Society was, throughout the United States, and especially in this commonwealth, a familiar, and in religious families of the same distinctive affinities, almost a household name, and it never caused any doubt in the apprehension of any one that it referred exclusively to this defendant and to no one else.

And this defendant, in confirmation of this view, begs leave to refer to the resolutions by which the Boston Branch separated itself from this defendant, wherein it denominated this defendant the "National Society," as it always had before done when speaking of this defendant, and as every one in fact then did, because this defendant was in character as well as in name the American Tract Society, and no other society had any the least pretension to be so regarded.

This defendant therefore insists that all the foregoing facts and circumstances showing the condition and relation of these two defendants at the date of the said Luman Pease's last will and testament, and from that time until the day of his death in the month of September, 1859, are material to be considered by this honorable court in determining the legal construction and proper import of the name, the American Tract Society, as used in the will of the said Luman Pease, coming as it does in said will in immediate connection with the American Bible Society and the American Board of Foreign Missions, both of which are national societies designated by the name American, in the same manner this Society has always been.

And this defendant further answering, and in confirmation of this construction of the will of said Luman, insists that the said Luman Pease was at the date of his said will, and for twenty years or more before that time, had been familiar with the operations of this defendant as herein before set forth, and that he well understood said operations in their detail, and that he had frequently contributed to the funds of this defendant, and felt a deep interest in aiding in carrying forward said works, and especially in the destitute and uncultivated regions of the South and South-western, and in the Western states of this Union. And this defendant insists that the said Pease, being so familiar with the work of this defendant in every part of the world, had become deeply interested in the same, and highly approved its general plan, as well as its mode of operation as a national Society, and that he made this bequest with the especial pur-

pose and intention of aiding this defendant in accomplishing such objects in every portion of the United States, and especially in disseminating religious knowledge and instruction among the persons of color bound to service in the Southern states, by means of the coöperation of the masters, and without exciting their jealousies, or shocking their prejudices, or destroying their confidence, knowing that this was the surest mode of reaching the servants, and that without this very little good to them could be accomplished, in consequence of their being unable generally to read and understand the books of this Society, or any others, without careful instruction and exposition, which could only be secured through the masters ; and that this could only be secured by the circulation of such tracts and other publications, whether among masters or servants who could read, as were calculated to harmonize the feelings of both master and servant in their existing relations ; and not to circulate in any portion of the country tracts or other publications which were calculated to create among the citizens or inhabitants suspicion and jealousy on the one hand, or discontent or resistance on the other, in regard to any of their present political rights or duties, and without attempting in any manner to instruct any portion of the inhabitants in any section of this or any other country how or why they should or might improve or change such political relations for their own mutual advantage, and without detriment to the state ; thus leaving politics wholly to the politicians.

And although this defendant admits that this course was distasteful to many devout, pious, and well-disposed persons to such an extent that it is informed, and therefore admits that it probably caused the schism and separation between this defendant and the other defendant, its former faithful agent and fellow-laborer, as herein before set forth ; yet this defendant insists that the said Luman Pease was not among the number of those who in any way grieved at the conciliatory and compromising course thus pursued by this defendant, but on the contrary, that the said Luman highly approved of the same, and made this legacy now in question in consequence of such approval, so far as these things had been developed at the date of his said will, and suffered it to remain till his death for the same reason, and for the express purpose of enabling this defendant to carry forward its operations in every portion of the United States in strict adherence to the letter and spirit of the constitution of the National Society, whereby it was strictly enjoined not to publish or circulate any paper or book of a sectarian character,

or which might tend to produce disaffection or commotion of any kind, or in any place, either religious or political, whether with or without cause.

And although this defendant is informed and therefore admits that a majority of the persons having the direction of the other defendant regarded this as a very objectionable course, and characterized it as time-serving, dishonorable, and unchristian, in which it is not for this defendant to complain, or to intimate that they were not entirely in the right, yet this defendant will insist, and is ready to prove by the most abundant evidence, that the said Luman Pease, until the hour of his death in the month of September, 1859, had no such feelings, and thoroughly coincided with this defendant in all its views and actions on that subject, insomuch that after the separation between these defendants in the year 1858, in the manner herein before set forth, and for a long time before, it became fully known to all the dwellers in the region near where the said Luman Pease resided, and especially to his near and confidential friends, that he entertained the highest admiration of the temporizing and moderate course pursued by this defendant upon all subjects calculated to engender strife, and on that account felt a deep interest in its success, and therefore gave them the legacy now in question.

And this defendant further alleges and insists that the testator had but little knowledge of the other defendant at the time he made his said will, and none at all, except that he understood this defendant had a branch or auxiliary in the city of Boston, until about the time that the other defendant began to manifest public dissatisfaction in regard to the course pursued by this defendant in reference to publishing and circulating tracts in the Southern states of this Union on the subject of slavery, and the relative duties of masters and servants, as above stated; and this defendant is informed and verily believes that the said Luman Pease until the day of his death had no knowledge of the existence of any other society or corporation by the name of the American Tract Society except this defendant; and this defendant is informed and verily believes the said Luman Pease, in making his said will, and in giving the legacy aforesaid to the American Tract Society, had this defendant solely in his mind, and had no suspicion that the name of the American Tract Society could by any possible construction be applied to any other person natural or artificial save only to this defendant; and that if he had had any such doubt or suspicion, he would at any time before his death have immediately made such addition to his said will, by codicil or otherwise, as would

have rendered it certain beyond all question that he had reference to this defendant alone in making such bequest.

And this defendant is informed and believes the fact to be that the said Luman, in giving directions to the scrivener to draw his will, was particular to caution the said scrivener so to describe the charitable societies intended to be benefited by the testator, that there should be no possible chance of mistake in regard to the particular Society intended; for the said Luman being a man of very decided religious preferences, conceived that in having his money given in that direction, if it should by possibility take a channel not approved by him, he should not only fail of accomplishing the good he intended, but should produce thereby positive evil; so that the testator on that account had a double motive for caution, and especially as he had heard that courts sometimes felt compelled by the arbitrary rules of construction already established to give legacies intended for similar objects, in particular directions, on account of the words used in the will of the donor, where it was confessedly in violation of his obvious intention as gathered from extraneous evidence and circumstances. The testator therefore demanded of said scrivener that he should so identify the Society intended, by circumlocution, if in no other way, that there should be no room to defeat his intention by construction upon the basis of some unknown wisdom of antiquity which the testator did not comprehend, and which he therefore most inordinately dreaded. And he was not content with the mere name of the Society until he was assured that there was no other Tract Society except the one at New York, meaning this defendant; and upon receiving such assurance of the said scrivener, he executed his said will, resting in the belief from that time until the hour of his death that there could be no doubt or uncertainty in regard to this defendant being the American Tract Society, and the American Tract Society being this defendant, and no other person whatever.

And this defendant is further informed and believes that when the said Luman learned, as he did a few years before his death, of the disaffection of the Boston Branch with the course pursued by this defendant in using circumspection and reserve in regard to publishing or circulating offensive papers upon the subject of domestic slavery, and especially in the Southern states, where alone they could be of any practical use, and where this defendant was fearful they might do more harm than good, he warmly approved the course pursued by this defendant, and from time to time gave liberally to this Society to aid in carrying forward its operations upon the basis

thus assumed ; believing that, whether wise or not, it was the only proper course for this defendant under the prescribed compromises both of its written constitution and of the practical construction given thereto by its acts and history ; and that the said Luman thereafter gave none at all or very sparingly to the other defendant, in consequence of his great preference of the course pursued by this defendant in regard to the matters of difference between this defendant and the Boston Branch, of which the said Luman heard not long before his death. But this defendant insists and believes he will be able to prove to the satisfaction of the said court, that up to the hour of his death the said Luman had no suspicion that the other defendant, in dissenting from the course pursued by this defendant, or in separating from it, would attempt to intrude itself into the place of this defendant, or filch from it its good name, which would indeed enrich itself at the expense of this defendant, and thus tend to make this defendant poor indeed, by relieving it of a large portion of its means, without in any just sense assuming any of its burdens or duty. This defendant therefore insists that it is clearly entitled to the legacy given by the said Luman to the American Tract Society, in the manner set forth in the bill of complaint in this case ; and it therefore, as in duty bound, will insist that by decree of this honorable court it should receive the same.

In testimony of which, this defendant has caused its corporate name to be hereunto subscribed by its chief executive officer, and its common seal to be affixed, in the city of New York, the 15th day of August, in the year of our Lord one thousand eight hundred and sixty-one.

AMERICAN TRACT SOCIETY,

By ORNAN EASTMAN, *Secretary.* (L. S.)

City, County, and State of New York, ss.

There came personally Ornan Eastman, one of the secretaries and chief executive officers of said defendant, the American Tract Society, New York, and made solemn oath, that having had extensive knowledge in regard to most of the facts stated in the foregoing answer, the said answer is true, according to his best knowledge, information, and belief.

THOMAS D. MATHER, *Notary Public.*

New York, August 15, 1861.

All which matters and things contained in the foregoing answer, and verified by the oath of the chief executive officer of this defendant, it is ready to maintain and prove to the satisfaction of this honorable court in any manner and at any time which shall be deemed meet and proper.

ISAAC F. REDFIELD, *Solicitor*
for the American Tract Society, New York.

EXHIBIT A.

J. E. M. Commissioner.

In the name of God, Amen. I Luman Pease of Deerfield, in the county of Franklin and state of Massachusetts, being in good bodily health, and of sound and disposing mind and memory, do make, publish, and declare this my last will and testament, hereby revoking all other former wills by me at any time heretofore made.

First—I hereby constitute and appoint my wife Mary Pease to be sole executrix of this my last will, directing my said executrix to pay all my just debts and funeral expenses without delay, and the legacies hereinafter given out of my estate as soon as circumstances will permit.

Second—After the payment of my said debts and expenses, I will and bequeath to my dearly beloved wife Mary Pease all my real estate of which I shall die seized, saving and excepting that hereinafter given to my brother Emery Pease. I also will and bequeath to her the sum of five thousand dollars of my personal estate. I also give to her the use of all my household furniture, my carriage, buggy, wagon, and sleigh, my horse, cow, and harnesses during her life ; and on her decease I will and bequeath to her sister Artemesia Billings, wife of Erastus Billings of Hatfield, in the county of Hampshire, or her heirs, the sum of one thousand dollars, to be paid from the property, the use of which I have above given to my wife Mary, provided the said property shall produce the said sum of one thousand dollars ; and if the said property shall not produce the said sum of one thousand dollars, then the said Artemesia or her heirs shall be paid whatever sum the said property shall produce.

Third—I give and bequeath to my brother Emery Pease of Somers, in the county of Tolland, in the state of Connecticut, or his heirs, my half of the Kibby meadow so called, and its appurtenances, situated

in said Somers, to have and to hold the same, to him the said Emery, his heirs, and assigns, from and after my decease and the full execution of this will to his and their use for ever.

Fourth—I give and bequeath to my sister Sybil Langdon, wife of Calvin Langdon of said Somers, or her heirs, the sum of one hundred dollars.

Fifth—I give and bequeath to my sister Marcia Eno, wife of Martin Eno of said Somers, or her heirs, the sum of one hundred dollars.

Sixth—I give and bequeath to the children of my sister Mary Root, deceased, late wife of Sumner Root of said Somers, the sum of one hundred dollars in equal shares to each.

Seventh—I will and bequeath the remainder of my estate to the American Bible Society, the American Tract Society, the Foreign Missionary Society under the direction of the American Board of Commissioners for Foreign Missions, the Home Missionary Society for the state of Massachusetts, and the Education Society for the state of Massachusetts, in equal shares to each of the above-mentioned societies; and in designating the said societies, I intend those and those only that maintain and support the tenets and doctrines of the Presbyterian and Congregational order.

In testimony whereof, I hereunto set my hand and seal, and publish and declare this to be my last will and testament, in the presence of the witnesses named hereinafter, this second day of April, in the year eighteen hundred and forty-six.

LUMAN PEASE. [L. S.]

Signed, sealed, published, and declared by the said Luman Pease as and for his last will and testament in presence of us, who, in his presence, and in the presence of each other, and at his request, have subscribed our names as witnesses hereto.

ARTEMAS WILLIAMS.
JAMES C. ARMS.
WILLIAM CHAPMAN.

Know all men by these presents, that I Luman Pease of South Deerfield, Massachusetts, considering the uncertainty of this life, and being of sound mind and memory, do make, declare, and publish this codicil to my last will and testament:

In consideration of the warm love and affection I bore to my late honored pastor, the Rev. Austin Carey, late of Sunderland, deceased, and also in fulfilment of the solemn promise made to him upon his

death-bed, in compliance with his last dying request, and also in consideration of the interest I feel in the success of the great mission of the Christian ministry in evangelizing the world, and thus promoting the cause of our blessed Saviour on earth, I am influenced to give and bequeath, and by this instrument do give and bequeath to Austin Phelps Carey and William Herbert Carey, minors, sons of the said Rev. Austin Carey, the policy of insurance on my life for the sum of three thousand dollars in the Union Mutual Life Insurance Company, dated the eighth day of May, A. D., 1850. It is my will that this sum of three thousand dollars which will accrue to my estate on my decease, shall be appropriated to educating the said minors for the gospel ministry, in compliance with the wishes of their late father, in the manner and by the persons as executors hereinafter named.

It is my will that at my decease the said sum of three thousand dollars, due to my estate from the said Union Mutual Life Insurance Company, shall be by them paid over to the persons hereinafter named as executors, and by them invested in some safe and lucrative stock, or loaned at interest and secured by mortgage on real estate; and the interest arising from this fund, together with so much of the principal as shall be necessary, shall be appropriated to defraying the expenses of giving the said minors a complete and thorough collegiate and theological education; and if on graduating from their theological studies, any part of the fund remains unappropriated, it shall be expended in the purchase of libraries for the said minors, suitable to their vocation as ministers of the gospel, to each minor an equal sum.

I do nominate and appoint R. D. Fish and James B. Prouty of Sunderland, Mass., to be the special executors, and widow Carey, mother of said minors, special executrix of this codicil to my last will and testament, to carry out the objects of this codicil in relation to the minor sons of the said Rev. Mr. Carey, but to exercise no executive powers over any other portion of my will.

In testimony whereof, I hereunto set my hand and seal, and publish and decree this codicil to my last will and testament in presence of the witnesses named below, this third day of August, A. D., 1850.

LUMAN PEASE. [L. S.]

Signed, sealed, declared, and published in presence of us.

WAITSTILL HAWKS,
ALVAN FELTON,
ROBERT M. PEASE,
} *Franklin County, Massachusetts.*

A true copy. *Attest,*

C. J. J. INGERSOLL, *Reg. Probate.*

SUPREME JUDICIAL COURT.

Hampshire County.

LEWIS BODMAN, *et al.*, *Administrators*,

vs.

THE AMERICAN TRACT SOCIETY.

The answer of the American Tract Society, a corporation created by laws of the Commonwealth of Massachusetts, to the Bill of Complaint of Lewis Bodman and Leverett E. Pease, administrators with the will annexed of the estate which was of Luman Pease, late of Deerfield, in the county of Franklin, deceased testate.

This respondent answering says: 1st. They admit that on the second day of April, 1846, the said Luman Pease made and duly executed his last will, to a copy whereof hereto annexed this respondent for greater certainty craves leave to refer; and that on the third day of August, 1850, he also made and duly executed a codicil to his said will, to a copy whereof hereto annexed the respondent for greater certainty craves leave to refer; and that both said will and codicil have been duly admitted to probate, and the said complainants duly appointed to be administrators as aforesaid. 2d. This respondent is informed and believes it to be true, that there is a large amount of money now in the hands of the said complainants, belonging to the residuary estate of the said Luman Pease, and making part of the residue bequeathed by his said will to this respondent and the four other societies therein named; but how large a part of the said residue is now in the hands of the said administrators, or whether there is any question concerning the amount thereof, or the amount of the accountability of the said administrators therefor, this respondent is ignorant. This respondent admits that there were in existence at the several times when the said will and codicil were executed by the testator two corporations, the corporate name of each being "The American Tract Society," the one being a corporation created by a law of the Commonwealth of Massachusetts, on the ninth day of December, 1816, by the name of "The New England Religious Tract Society," which name was changed for "The American Tract Soci-

ety," by a law of the Commonwealth of Massachusetts, on the fourteenth day of June, 1825, by which last-mentioned name this respondent was to be, and ever since has been lawfully called and known, and by which last-mentioned name this respondent was by the acts aforesaid duly empowered to take and receive all such donations, devises, bequests, and legacies, as from time to time might be made and given by piously disposed persons, for the promotion of the pious and charitable objects, uses, and purposes for which this respondent corporation was created; and from time to time, as well before the several times of the execution of the said will and codicil as afterwards, and before the decease of the said Luman Pease, which was on or about the —— day of October, 1859, this respondent corporation, by that name of "The American Tract Society," did in fact take and receive numerous and valuable donations, devises, bequests, and legacies, for the pious and charitable uses and purposes aforesaid, from many different persons residing within this Commonwealth, and among others, did so take and receive donations from the said Luman Pease in his lifetime; and this respondent admits that the other corporation known by the name of The American Tract Society, was created by a law or laws of the state of New York, and has its usual place of business in the city of New York, and that each maintains and supports the tenets and doctrines of the Presbyterian or Congregational order. But this respondent denies that each of the said corporations, at the said several times when the said will and codicil were executed, or at any time prior thereto, had habitually maintained agencies, or solicited or received donations within this Commonwealth. But on the contrary thereof, this respondent says that as early as the —— day of ——, it was understood and agreed between the two corporations, that this respondent corporation should have exclusively, for its own field of operations, for soliciting and collecting all donations, devises, legacies, and bequests, the states of Maine, New Hampshire, Vermont, and Massachusetts, with the exception of the counties lying west of the Green Mountains, in the two last-named states; that thereafter, and until after the said several times when the said will and codicil were executed, the aforesaid understanding and agreement were observed in practice by the two corporations, and the said New York corporation did not maintain any agency, nor solicit donations, devises, legacies, or bequests, nor receive the same within the territorial limits aforesaid, but the same were solicited and received exclusively by this respondent corporation. And this respondent avers that by the

words, "The American Tract Society," in his said will, the said testator in point of fact intended to designate and describe, and has duly and sufficiently, in pursuance of his said intention, designated and described this respondent corporation, which alone is justly and legally entitled to take and hold the said bequest; and craves leave to refer to all lawful and sufficient proofs to be hereafter exhibited in support of this title. And this respondent admits that it has claimed the said bequest at the hands of the said administrators, and has insisted and shall insist that the same justly belongs and ought to be paid to this respondent. And this respondent further submits to this honorable court, that the bequest aforesaid is duly made for pious and charitable uses, which are sufficiently designated by the said will; and that if this honorable court, contrary to the allegation and belief of this respondent, should be unable, from any cause, to determine which of the said corporations, was intended by the said testator to be the trustee of his bounty, the pious and charitable use aforesaid ought not to, and by the law of this Commonwealth does not fail or become void, but the same is to be executed under the order and direction of this honorable court, and by such trustee as this honorable court shall appoint for the execution thereof; and this respondent respectfully submits that this honorable court should select for that end this respondent corporation, created by and answerable to the laws of this Commonwealth, whereof the testator was citizen at the time of making his said will and codicil, and of his decease, and not a foreign corporation, created by the law of another state, and not amenable to the laws, nor subject to the jurisdiction and control of this honorable court. And this respondent submits to the order and direction of this court in what manner its aforesaid rights, titles, and claims shall be tried, and prays for such decree in the premises as the nature of its case may require, and to your honors may seem meet.

THE AMERICAN TRACT SOCIETY,

[L. S.] BY EDWARD S. RAND,

Chairman of the Executive Committee.

Suffolk, ss., Dec. 27th, 1861.

I, Edward S. Rand, Chairman of the Executive Committee of the American Tract Society, on oath say that I have read the above answer, and to the best of my knowledge and belief the facts therein stated are true.

Sworn to before me, H. W. PAINE, Jus. Peace.

An order for the said Tract Societies to interplead was entered the twenty-sixth day of January, A. D. 1862.

Hampshire, ss.

SUPREME J. COURT.

IN CHANCERY.

AT CHAMBERS IN BOSTON, *March* 26, 1862.

ON A DECREE TO INTERPLEAD.

THE AMERICAN TRACT SOCIETY OF MASSACHUSETTS.

THE AMERICAN TRACT SOCIETY OF NEW YORK.

Suffolk, ss.

SUPREME J. COURT.

AT LAW.

AMERICAN TRACT SOCIETY,

vs.

ALEXANDER DE WITT, *Administrator, etc.*

IT is hereby ordered, by consent of parties, that all the testimony in the above causes shall be taken before James E. Maynadier, Esq.,

as commissioner, and shall be by him reported to the court, to be used in both of said causes, so far as the same may be applicable.

It is also ordered, that said causes shall be heard and argued together upon said testimony before the full court in Suffolk county; the equity cause as upon an appeal and report of the testimony under 34th equity rule, and the action at law as upon a report of the case by a single judge to the whole court.

Each party reserves the right of objection, at the hearing, to the competency of any evidence reported.

G. T. BIGELOW,
Chief-Justice Sup. Jud. Court.

TESTIMONY.

TESTIMONY OF WILLIAM CHAPMAN.

Int. 1. What is your name, age, residence, and occupation?

Ans. William Chapman; 50 years; Hartford, Connecticut; adjuster of losses under policies of insurance against fire.

Int. 2. Were you acquainted with the late Luman Pease of Deerfield, Mass.?

Ans. I was.

Int. 3. What knowledge have you in regard to the execution of his will?

Ans. I made the draft of a will for Mr. Pease, and was one of the witnesses to its execution.

Int. 4. Please look at exhibit A now produced, and state whether it is a copy of the will of which you made a draft.

Ans. I should say it is a copy of the will; the codicil I know nothing about.

Int. 5. Have you any means of telling how the testator Mr. Pease

understood and used the term, "The American Tract Society," in his said will? Please state all you may know upon that subject.

Ans. Before and at the time, months before, of the execution of this will, I was in the employ of Mr. Pease, on a salary of $600 a year; and the main purpose of being employed by him was the collection of debts and settlement of accounts, matters a little outside of his general trade. One Thursday morning, I think, perhaps in the month of February preceding the execution of this will, he came into the store, and called me into the counting-room, took off his hat, and produced from it a sheet of foolscap, and said, "Friend Chapman, this is a loud call to me; I must be getting ready: I must make my will." (The Sunday evening before he had a severe fall.) He then laid the paper on the desk before me, and remarked that that was about what he wanted done. The memorandum, I think in pencil, was all upon a single page; it contained substantially the names of these legatees, all of them, and the names of these societies were simply, "Bible Society," "Tract Society," "Foreign Missionary Society," "Home Missionary Society," "Education Society." I did n't pay much attention at that time to his memoranda, but told him that I would take it home and draw it in the evening, as I could n't do it at the store. I think some days elapsed before we returned to the subject, he becoming entirely well in the meantime; and when I had made a rough draft, or rather, when making it, I thought I discovered the necessity of defining the societies more particularly. I went to him then, and called his attention to that, having left some blanks in the rough draft in order to describe the societies with more certainty. These additions to the draft were then made, that is, to "Bible Society" the word "American" was added; to "Tract Society," the word "American;" to "Foreign Missionary Society," the words, "under the direction of the Board of Commissioners for Foreign Missions," were added; to "Home Missionary Society" were added these words, "for the state of Massachusetts;" to the "Education Society" was added, "for the state of Massachusetts." Then Mr. Pease looking over the work, said, "You want to add 'New York' to the Bible and Tract Societies." I said, "No; there were but these two societies of that name, and they did n't need any farther description." His reply was, "Just so, just so, friend Chapman. Fix it up right; you know." At that time some customers came into the store, and we went about other business, and in the course of a week or ten days I made the paper of which Exhibit A is a copy. I think he took the paper then, and kept possession of it until

the morning of its execution, when I called these witnesses in, and we executed it at his counting-room, I think on Fast-day morning in Massachusetts. I think I want to correct my statement in this particular, that the addition to the words "Foreign Missionary Society" were made by me at the final filling up of the will, and not when the others were made; and I called his attention to what I had added, and he said, "That's right, that's right, friend Chapman." When he took the paper and kept it for several days, he said he wanted to consult Mrs. Pease in regard to it. I have never seen the paper since its execution.

I think when he spoke of adding New York to the names of the Bible and Tract Societies, that I said, "No; there are but those two Societies of that name having their home or place of business at New York;" and then he replied as above.

I don't think I can add any thing more. It isn't a matter I have thought of much since the execution.

Int. 6. Can you tell whether the said Luman Pease at that time had knowledge of any other society called the American Tract Society except that of New York?

Ans. He never spoke to me of any other, nor I to him.

Int. 7. Have you any knowledge of his interest in, or concern on behalf of, the American Tract Society of New York, except what you have already stated?

Ans. I wont be certain, but it strikes me that he was a life-member. I don't think I could give any thing definite; I know he used to contribute liberally to most every thing.

Cross int. 1. When did you leave the employment of Mr. Pease?

Ans. I should think about September, 1847.

Cross int. 2. Where have you resided since that time?

Ans. I resided in South Deerfield till the 14th of April, 1854, and then boarded till the 1st day of July in Beacon-street in this city. I then lived in East Boston until the 1st day of July, 1856; I then lived in Dorchester till the 28th of September, 1857; and have lived in Hartford since the 14th day of October, 1857.

Cross int. 3. What has been your business during this time?

Ans. Soon after I left the employ of Mr. Pease I opened a small store in South Deerfield village, and kept it until the 1st day of April, 1851. On the 1st of October, 1851, I commenced the business that I now follow; and from the 14th of April, 1854, to the 14th of October, 1857, I was connected with the Custom-house in this city as a

measurer, and had charge of that department nearly three years. Since the 14th of October, 1857, I have been connected with the Charter Oak Company, Fire and Marine Insurance Company, as their general agent and adjuster of losses. From the 1st day of October to the 14th, I was paid by both parties. I don't want to lap it on too strong, having leave of absence from Collector Austin.

Cross int. 4. Had you been more or less in the habit, previous to drawing Mr. Pease's will, of drawing wills or transacting other legal business?

Ans. I had done considerable at that business, perhaps more than any other man in the village. I made writs and was a justice of the peace.

Cross int. 5. When did your acquaintance with Mr. Pease begin?

Ans. As early as 1835.

Cross int. 6. Did you attend the same church with him?

Ans. I think that whenever I went to the church at South Deerfield I saw him there, until about 1845, when the church divided; after that, he went to Mr. Carey's church at Sunderland, until the church under the charge of Mr. Strong was formed at South Deerfield village, where I saw him occasionally.

Cross int. 7. Previous to 1845 or 1846, were you and he members of the same society?

Ans. We were members of the same parish. I think I became a member in 1839. I was not a member of the church.

Cross int. 8. Do you remember when Mr. Pease removed to South Deerfield?

Ans. I think he must have gone there in 1833 or 1834. I did n't live there at that time.

Cross int. 9. You say you were a member of the same parish with Mr. Pease. Were you in the habit of attending the same church with him? and how constant was that habit?

Ans. I was. I should think I attended about half the time.

Cross int. 10. From 1839 to 1846, in what town did you live, and to whose parish did you belong?

Ans. I lived in the town of Deerfield, and in 1839 became a member of the 2d Congregational parish of Deerfield; I think that's the corporate name. I remained a member, I should think, two or three years. My membership then ceased, and I did not belong to any parish for two or three years.

Cross int. 11. During the time you and Mr. Pease were members of the same parish were any collections taken up in the church for a tract society, and how often?

Ans. I don't think I can answer that there were. Collections were taken up for various objects; that's as much as I can say, I think.

Cross int. 12. Did you make contributions in any form to any tract society during this period?

Ans. I think I did not. I certainly have no recollection that I did. I think I never have to any tract society.

Cross int. 13. Were you interested in any tract society or any Bible society, or ever profess to be?

Ans. I don't know what is meant by the term "interested." I should answer that I have no connection with the societies in any form, but have given a few dollars to the Bible Society.

Cross int. 14. When was this contribution to the Bible Society made, if you recollect?

Ans. I can recollect no particular date, but I have given at various times between 1834 and 1854. I think I have not given a dollar since.

Cross int. 15. Was not Mr. Pease apparently much interested in religious societies, and in the habit of reading religious newspapers more or less?

Ans. He was not very active in behalf of religious societies; and I think he had the New York Observer come into his store, and it was carried to his house.

Cross int. 16. Was he not in the habit of contributing liberally to religious and benevolent enterprises and societies?

Ans. I think he was, and also to other objects—to the poor around him.

Cross int. 17. Do you know whether Mr. Pease was a member of the church?

Ans. I only know by general reputation and his own statement that he was.

Cross int. 18. What was Mr. Pease's business in 1846, and before and after?

Ans. He 's been in general country trade ever since I knew him. He was indirectly interested in manufactures, furnishing the raw material, and receiving the manufactured article.

Cross int. 19. Do you know whether or not Mr. Pease was in the habit of receiving a paper by the name of the American Messenger?

Ans. I can't state specifically. I think we all had them left in our seats at church; how they came there I don't know.

Cross int. 20. Were you in the habit of reading the American Messenger ?

Ans. I was not.

Cross int. 21. Was the American Messenger frequently distributed in the church, or among the parish ?

Ans. I can't state how often ; whether every Sunday, or once a quarter.

Cross int. 22. Did you ever hear the tract cause presented or advocated in this church ? and if so, by whom ?

Ans. I can't state specifically that I ever did in Mr. Pease's church. I have in other places.

Cross int. 23. Since the execution of this will, when was your attention first called to any matter in reference to said will ?

Ans. Some weeks after the death of Mr. Pease.

Cross int. 24. When did Mr. Pease die ?

Ans. I think you 've got me there. I think it was in the year 1860 ; and I should think either in May or October, that 's as near as I can recall.

Cross int. 25. Who then called your attention to the matter ?

Ans. Mr. Bodman the executor of the will, by letter—Mr. Lewis Bodman.

Cross int. 26 Have you that letter, or is it in existence ?

Ans. I think it is on my files at my house in Hartford.

Cross int. 27. When was your attention first called to the form of any particular legacy in this will, and by whom ?

Ans. Sometime after the probate of the will, and by a paragraph in the Franklin Democrat, published in Greenfield, Mass. ; a paper that I take.

Direct resumed int. 1. Do you know whether Mr. Pease took any other religious newspaper except the New York Observer while you were in his employment ?

Ans. I do not know whether he did or not.

Direct resumed int. 2. Did his mail matter come through the store, so that you would have known ?

(Objected to as leading.)

Ans. Uniformly the mail matter came through the store.

Direct resumed int. 3. What knowledge had you of what newspapers he did take through the mail ?

Ans. I had at the time full knowledge of every paper he took, for I often brought them from the Post-office ; yet I do not think I can now give the names of all of them.

Direct resumed int. 3. Please refer to cross int. 27, and your answer thereto, and state as to which particular legacy your attention was called, and in what respect?

Ans. The particular legacy was the one for the American Tract Society. I think the paragraph referred to the probability of a contest as to which Society, the one in Boston, or the one in New York, should take the bequest.

[The counsel for the Society at Boston objects to evidence in reference to the contents of the paragraph, the original being the proper evidence.]

Cross int. resumed 1. Were you in the habit of visiting Mr. Pease's house before, at, and after the date of the will?

Ans. Not much at any time.

Cross int. resumed 2. Did you not see the American Messenger at his house frequently?

Ans. I can't say that I ever saw it there. Do n't think I ever did.

Cross int. resumed 3. Do you mean to say that Mr. Pease did not receive the American Messenger through the mail or otherwise regularly?

Ans. I do not.

Cross int. resumed 4. While you were giving your direct testimony did you not have in your hands a copy of said will, and did you not refer to the same from time to time?

Ans. I had in my hands what I believe is a copy, and referred to it.

Direct resumed int. 4. For what purpose and to what extent did you refer to it?

(Objected to.)

Ans. For the purpose of refreshing my memory as to the directions given me by Mr. Pease, and the circumstances attending its execution.

WILLIAM CHAPMAN.

TESTIMONY OF DAVID A. STRONG.

Int. 1. What is your name, age, residence, and occupation?

Ans. David A. Strong; 41; South Deerfield, Mass.; minister of the gospel.

Int. 2. Will you state your knowledge of and acquaintance with the late Luman Pease.

Ans. My acquaintance with Mr. Pease commenced in the spring

of 1849. I was intimately acquainted with him from that time ill he died. He became a member of the church of which I am pastor in 1850, I think it was. I visited in his family from time to time ; saw him in his store and other places ; knew him as a man who was interested in benevolent objects, and who gave from time to time to different benevolent societies.

Int. 3. Will you state your knowledge of Mr. Pease's interest in and contributions to the American Tract Society, and how he used and understood the term American Tract Society ?

Ans. I am unable to say how much he was interested in the Tract Society ; I do not remember having heard him say very much about it. The congregation have been in the habit of contributing to some benevolent object once a month. During Mr. Pease's lifetime he was in the habit of contributing as each object came up. There was one exception to this during my whole acquaintance with him, that was the American Missionary Association ; after the separation of the two tract societies, he also excepted the Boston Tract Society. I am unable to state how he used and understood the term American Tract Society.

Int. 4. Will you state how the term American Tract Society was generally understood and received in your parish in South Deerfield, from your first connection with it during the lifetime of Mr. Pease ?

Ans. So far as I know it was understood to be the Society at New York.

Int. 5. What was the understanding in regard to the Boston Society during the same period in your parish ?

Ans. So far as I know it was regarded as a branch of the New York Society, or one with it.

Int. 6. How long before the death of Mr. Pease did this separation between the Societies occur ?

Ans. I am unable to state precisely. I should think it was a year or year and a half.

Int. 7. Please state whether Mr. Pease, after the separation of the Societies, contributed at all to the tract cause, and how he stood affected with regard to the cause of such separation ?

Ans. I do not know that he contributed at all to either. He thought the separation unnecessary, and was sorry that it occurred.

Int. 8. Do you know which Society he considered in fault in regard to such separation ?

Ans. It was his opinion that the Boston Society was at fault.

Int. 9. Can you state, after the separation, of which of these Societies he approved, if of either?

Ans. I cannot say positively, but I suppose of the New York Society.

Int. 10. Do you recollect of his saying or doing any thing in particular which led you to this conclusion?

Ans. I infer it from his refusal to contribute to the Boston Society, which was the Society to which the congregation contributed.

Int. 11. Do you recollect having conversations with Mr. Pease after the separation in regard to this subject?

Ans. I do not remember any special conversation with reference to the point. Some allusions were made to it in general terms, in which he expressed his disapprobation of the separation.

Cross int. 1. Did your residence in South Deerfield begin in the spring of 1849?

Ans. It did.

Cross int. 2. To whose church did Mr. Pease then belong?

Ans. The Rev. Mr. Carey's of Sunderland.

Cross int. 3. Was not Mr. Pease well informed in reference to the religious societies and enterprises to which he was in the habit of contributing?

Ans. I think he was.

Cross int. 4. Was he not in the frequent habit of receiving the American Messenger?

Ans. He was.

Cross int. 5. In what mode and how often during each year were the contributions made in your society to the Tract Society?

Ans. They were made once a year, by contributions taken up from the whole congregation.

Cross int. 6. What was done with the sum thus collected?

Ans. It was paid over to the treasurer of the County Tract Society.

Cross int. 7. What did the treasurer of the County Tract Society do with it?

Ans. He paid it to the Society in Boston. I would not state that positively, but I suppose that he did.

Cross int. 8. Was it not handed to the treasurer of the County Society for the purpose of being remitted by him to the Society at Boston?

Ans. It was.

Cross int. 9. At what time of the year was your tract collection taken up?

Ans. The first Sabbath in October.

Cross int. 10. After 1849, was the tract cause advocated in your church? and if so, by whom?

Ans. It was, by myself. No other one that I know of.

Cross int. 11. Were you acquainted with the Rev. Mr. Seth Bliss, and did he ever advocate the tract cause in your church for you?

Ans. I have a slight acquaintance with him; he never advocated the object in my church.

Cross int. 12. Did you not know him as the Secretary of the Society at Boston? and how long?

Ans. I did. I could n't state how long I knew him as such. I knew him as such after I went to Deerfield.

Cross int. 13. Was this your first parish?

Ans. It was.

Cross int. 14. At this time, or soon after, did you not know other officers of the Boston Society?

Ans. I do n't remember that I did.

Cross int. 15. Did you not know that there was a Society at Boston? and were you not in the habit more or less of seeing its annual reports?

Ans. I knew that there was a tract society at Boston, and think I have their reports; but I am so confused in reference to the union of the two Societies, that I am unable to state whether I knew their report as separate from the New York Society.

Cross int. 16. Did you ever, previous to the year 1860, see any report of the New York Society? and if so, when and for what year?

Ans. I am not able to say that I ever did.

Cross int. 17. Did you not know that the Society in Boston had its annual anniversary here, its annual election of officers here; and have you never attended any of said anniversaries?

Ans. I am unable to state in regard to the anniversary of the Boston Society until of late years; I suppose it did. I supposed it had an annual election of officers, as any other society or branch society would. I have never attended any of said anniversaries.

Cross int. 18. During your connection with this parish up to 1860, did you not understand that the Society at Boston had its own officers and managed its own affairs as a Society complete in itself?

Ans. I supposed it had its own officers, but that as a Society it acted subordinately to the Society at New York.

Cross int. 19. In what way subordinately to the Society at New York?

Ans. That it was under the general supervision of the Society at New York.

Cross int. 20. What do you mean by that? Please state a little more fully.

Ans. I mean that its funds were for the Society at New York, and that for the sake of convenience they were received here at Boston.

Cross int. 21. Did you derive that understanding from any report or other document issued by the Society at Boston? If so, please specify the same.

Ans. I did not.

Cross int. 22. Please state whether, previous to 1859, the relations of the Society at Boston with the Society at New York were ever a subject of conversation between you and any member of your Society; and if so, with whom and when?

Ans. I do not remember any special conversation; but at the time of the anniversaries in New York, allusions were made in conversations in reference to occurrences at those anniversaries with Mr. Luman Pease and Mr. Robert M. Pease. I mean by special conversation, a special conversation in reference to the relations of the two Societies. I can't state the time. It must have been previous to the separation. There were several anniversaries at which the members of the two Societies met together.

Cross int. 23. Previous to the separation, did not Mr. Pease uniformly contribute to the Society at Boston?

Ans. He contributed at our church contributions which were intended for Boston.

Cross int. 24. Do you remember the circumstance of Mr. Pease being made a life-member of the Society at Boston?

Ans. I do.

Cross int. 25. Was it by his own contribution, or that of others?

Ans. It was by the contribution of the congregation, including his own.

Cross int. 26. At whose suggestion was it?

Ans. It was at my own. Perhaps I mentioned it to two or three members of the congregation.

Cross int. 27. Did you remit the money with the instruction to constitute Mr. Pease a life-member?

Ans. I paid it over to the county treasurer, I think with instructions to that effect.

Cross int. 28. Did Mr. Pease subsequently receive a certificate from the Boston Society of his life-membership therein?

Ans. I suppose he did. I never saw it.

Cross int. 29. How long was Mr. Pease sick before he died?

Ans. About twenty hours, I think it was.

Cross int. 30. Will you please give the substance of Mr. Pease's statements to you, if any, wherein he expressed his disapprobation of the Boston Society and his sympathy with the New York Society?

Ans. I don't think I can give his language. It was a general expression of disapprobation; I can't recollect the exact words. He differed from me at that time in reference to the steps taken by the Societies in the matter of a separation. I told him that I would n't have any words with him in reference to the matter.

Cross int. 31. Can you give us the language, or the language in substance, in reference to which Society, if either, he sympathized with?

Ans. I can't do it.

Cross int. 32. Is your recollection of what Mr. Pease may have said probably more or less distinct now than it was in November, 1859?

Ans. I should think it was just about the same.

Cross int. 33. Will you please look at the Exhibit marked B, J. E. M., Comm'r, and state whether the same was written and signed by you?

Ans. It was.

Cross int. 34. Are you a life-member of the Society at Boston? and if so, when did you become a member?

Ans. I am. I am unable to state the year: I should think in 1850 or 1851.

Cross int. 35. Did you then receive a certificate of life-membership, and have you preserved said certificate ever since?

Ans. I did receive said certificate, and still have it.

Direct resumed, 1. Will you state where the American Messenger, referred to in cross interrogatory number 4 was published, and to what extent publications of the American Tract Society, New York, were circulated in your parish from the time of your first connection with it?

Ans. The Messengers circulated were received from Boston by mail. I supposed they were all published in New York, and sent to the different branches. Considerable many tracts of different kinds were circulated in the parish, and some books.

Direct resumed, 2. You speak in the 10th cross interrogatory of advocating contributions to the Tract Society cause in your parish; will you state the grounds upon which this was urged, and whether it was limited to the cause of tract distribution in New England or throughout the world?

Ans. There was no limitation of it, so far as my memory serves. It was advocating Christian literature generally.

Direct resumed, 3. Do you recollect whether the subject of colportage, or the distribution of tracts and religious books in foreign countries was advocated?

Ans. I could n't state positively, but I think the work of colportage was commended to the congregation.

Direct resumed, 4. Will you state how you gained the understanding referred to in the cross interrogatory 20, that the funds paid into the Boston Society were intended for the New York Society?

Ans. I cannot any further than this, that I supposed New York was the centre of operations.

Direct resumed, 5. Please state of what particular Society and under what name you gave the instructions referred to in cross interrogatory No. 27, to make Mr. Pease a life-member.

Ans. The American Tract Society.

Direct resumed, 6. Please state whether you understood by that, the Boston Branch or the American Tract Society at New York.

(Objected to, for form as well as substance.)

Ans. I supposed that the money would be paid over to the Boston Society, and that membership in the Boston Society was equivalent to membership in the New York Society, that is, the American Tract Society.

[The counsel for the American Tract Society, New York, here said to the witness that if he desired to make any explanation of that portion of Exhibit B which is as follows, to wit, "I never heard Mr. Pease say which Society had his sympathy," or of any other portion, that he was at liberty to do so. The witness then desired the following explanation to be taken and reported as part of his testimony.]

[The witness used the following words, which are reported at the desire of the counsel for the American Tract Society, Boston. "I do desire to make an explanation, as I do not wish to cross my tracks, or have the appearance of crossing my tracks."]

The witness desires to ask whether he has already testified that Mr. Pease told him that he sympathized with the New York Society, or either of the Societies.

[The commissioner here adjourned the examination until 10 o'clock, A. M., of the following day, April 23d, 1862.]

[April 23d, 1862, at 10 o'clock, A. M., pursuant to adjournment, the examination was resumed.]

The witness made the following statement, after such portions of his testimony were read to him as appeared to have any bearing on the question whether Mr. Pease sympathized with either Society:

"I don't know as I wish to make any explanation. I would simply say that while giving in my testimony yesterday, it did not occur to me that I had ever written the letter (Exhibit B) to the Boston Society. I regard the testimony as I gave it in yesterday as strikingly coincident with the letter itself; and I would say now what I said in the letter, that I never heard Mr. Pease say that he sympathized with the New York Society."

Direct resumed int. 7. (Propounded by the counsel for the American Tract Society, New York.) Will you state whether or not that portion of your letter which you have just repeated, was written in reply to any specific inquiry upon that point? and if so, in what form the inquiry was? And if said inquiry was in writing, whether such writing has been preserved, and is now in your possession?

(Objected to, because the writing, if any, should be produced.)

Ans. I am unable to say whether the inquiry was on that specific point or not. The letter received is not now in my possession, that I know of. I might say, that the letter was about the general subject of the will, and what I knew of it.

Cross int. 35. Did you deliver to any person the letter received by you from Mr. Alvord? or have you made search among your own papers, to ascertain whether it is now in your possession?

Ans. I did not; and I have made no search.

Cross int. 36. Where did you receive the tracts and other publications from, referred to in the first direct interrogatory resumed?

Ans. They were received from the depository in Boston.

Cross int. 37. Did you not refer to the Society at Boston for, or receive from them all tracts and other publications distributed by you, or in your parish?

Ans. I did; all distributed by myself. As to any others I am unable to say, except in the case of one colporteur who went through the parish; he distributed books and sold books published by the American Tract Society, whether at New York or Boston, I cannot tell; nor do I know by which he was employed. His name was Maynard.

DAVID A. STRONG.

TESTIMONY OF SETH BLISS.

Int. 1. What is your name, age, residence, and occupation?

Ans. Seth Bliss; a clergyman; 69 to-day; New York city.

Int. 2. When were you first connected with the American Tract Society, Boston? In what capacity? and for how long?

Ans. I entered the service of the Society in 1832 as their General Agent. I was General Agent until May, 1833, when I was elected Secretary of the Society, and continued Secretary till 1858, being reëlected annually. Most of this time I was both General Agent and Secretary.

Int. 3. What were the general duties of your offices?

Ans. To conduct the correspondence of the Society, manage its general interests and operations under the directions of the Executive Committee. It was also my duty to prepare the Annual Reports, and I was expected to address the churches in behalf of the cause on the Sabbath, which I did almost every Sabbath without exception, from two to three times nearly every Sabbath, travelling from 5,000 to 8,000 miles a year, and keeping a record of the times when I preached and texts I preached from. I was also required to attend the meetings of the Executive Committee, lay before them the correspondence of the Society, report my own labors, what was doing by the Society, and what might be done to promote its usefulness.

Int. 4. Will you state the relations which subsisted between the Boston Society and the American Tract Society of New York, during your connection with the Boston Society?

Ans. I was informed by the Executive Committee that the field of my labors included Maine, New Hampshire, Vermont east of the Green Mountains, or what's called Eastern Vermont, and Massachusetts, with the exception of Berkshire county; that this constituted the field of the Boston Society which they cared for, and from which I was to collect funds for the Society. I was given to understand that by an arrangement with the New York Society, this was the field in which this Society was to operate or conduct tract operations specially. The Boston Society publish no series of tracts, but were supplied from the New York Society. The surplus funds of the Boston Society were paid to the New York Society.

Int. 5. Will you state whether these publications of tracts and books contained on their face the imprint of the American Tract

Society, New York, or purported to be published by the American Tract Society at New York?

Ans. The first ten or fifteen years of my connection with the Society, every tract publication which the Boston Society circulated bore only the imprint of the American Tract Society, New York; for the latter part of the period there was added to the imprint the word "Boston," and "28 Cornhill," I think.

Int. 6. Can you state whether this addition of "Boston" extended to all the publications circulated in the field of the Boston Society? and if not, to what extent?

Ans. I think it was added to new publications from about that period, but I think that it was not added to the old plates.

Int. 6A. Can you state whether it was added to all the new publications? and if not, to what extent?

Ans. I think it was not, but I can't tell to what extent.

Int. 7. Will you state the time of this addition as nearly as you can?

Ans. I can't state positively without examining. My impression is that it was between 1845 and 1850, but I am not positive.

Int. 8. How long did this continue?

Ans. Until the separation of the Societies, I think.

Int. 9. How extensively did the American Tract Society, New York, publish tracts and books?

Ans. I cannot answer definitely.

Int. 10. Can you state how extensively these publications, and in what form, circulated in the field of the Boston Society?

Ans. The true answer to that question is to be derived from the annual reports. Their circulation was very extensive in every part of the field, both in the forms of volumes and tracts and monthly publications.

Int. 11. Will you state how the cause of the Tract Society which you presented to the different congregations was urged upon them?

Ans. At the time I entered the service of the Society, there began to be earnest appeals from American missionaries in heathen lands to the American Tract Society at New York, for funds to enable them to publish tracts in the different languages of the heathen, and also from Christians in continental Europe. The Society in New York appealed to the churches of the country to furnish them funds for this purpose. The Boston Committee heartily coöperated in the design with the New York Committee. The New York Society issued a circular, containing the facts and correspondence of the mis-

sionaries upon which the appeal was based. The Boston Society widely circulated those circulars to the churches in New England. For the first ten years or more, the burden of my appeals to churches was for funds for aid to the Society in New York, to meet those demands in foreign lands. I seldom had occasion to speak definitely of the American Tract Society in Boston, because the Society in New York conducted and managed the whole operation in foreign lands. The Committee in New York annually, in view of the wants and openings of the foreign field for tract operations, and of their own resources and means, appropriated a definite sum of money, to be remitted to the different missions in the foreign field and tract societies in Europe, which sum they divided among these different missions and societies according to their necessities and prospects of usefulness. This sum and its distribution was communicated to the Boston Committee, and they were invited to pay such proportion of these appropriations as they might be able. The Boston Committee selected from this list of appropriations for missions, such ones as they preferred to pay to ; but not in all cases ; it sometimes left the appropriation of the funds to the Committee in New York. In my appeals to the church for aid to the funds for the foreign field, I spoke of what the American Tract Society at New York was doing for this purpose. At that time there was great interest felt by the churches in the openings for tract distribution in heathen and foreign lands, and when I spoke of the Boston Society, it was in relation to its aiding the Society in New York in carrying on tract operations in foreign lands. As the whole correspondence on this subject was with the Society at New York, the facts contained in that correspondence I spread before the churches. The funds paid by the Boston Society for foreign appropriations, were paid to the New York Society, and remitted by them to the different missions.

In 1842 the American Tract Society at New York adopted the system of Colportage, and invited the Boston Society to coöperate with them. For a few years previous to this, the Boston Society had employed agents for the circulation of the volumes of the American Tract Society, published in New York, on its own field. When colportage commenced, what was called volume circulation took the form of colportage: from this period the system of colportage became very popular with the churches, as especially adapted to the south-west and western states. The Boston Society heartily coöperated with the Society in New York in extending this system over the land. The burden of my appeal to the churches now was to aid

the Society at New York in this work. As the Boston Society's main efforts were directed to aid that Society, it employed but a few colporteurs on its own field. The New York Society had the sole responsibility of selecting, commissioning, directing, and paying all colporteurs employed by it out of the appropriate field of the Boston Society. Their correspondence and reports were exclusively with the New York Society. Copies of their reports, or such portions of them as were interesting to the Christian public, were communicated to the Boston Committee, and by them circulated in various forms to the patrons and donors on their field. Benevolent individuals and colporteur associations were desirous of contributing towards the salary of some individual colporteur. When an individual or individuals and colporteur associations remitted $150, and requested it might be applied toward the payment of the salary of a colporteur who should be assigned to them, and whose quarterly reports they expected to be sent to them, in such cases the Boston Society reported to the New York Society the facts in the case, and requested them to assign some colporteur to the individuals or association who contributed the money. Copies of the quarterly reports of these assigned colporteurs were sent to the Boston Society, and by that Society sent to the individuals for whom they were designed. The number of colporteurs in the employ of the Society at New York, thus assigned to individual patrons in the field of the Boston Society, ranged, I think, from fifty to eighty different men. Some years the Boston Society failed to pay the whole amount of $150 each to these different men, which deficiency the New York Society had to make up. I think in one or two years, perhaps more, the donations of the Boston Society to the New York Society, expressly for colportage, exceeded somewhat, not largely, the amount required of $150 for each colporteur. Colportage was so popular with the Christian public in New England or on my field, that the churches were more disposed to hear on that subject than on any other of the operations of the Society. To interest and gratify them, I had of course to speak mainly of what the Society in New York was doing and designed to do in this department of evangelization. Thus I was obliged to make that Society prominent before the public mind. This course I pursued until my connection with the Society closed.

Int. 12. Were any colporteurs employed in the field of the Boston Society? and if so, to what extent?

Ans. The Boston Society endeavored to extend this system over their field as far as they found men suitable for the service. A very

large proportion of the funds contributed on the Boston field expressly for colportage, was especially designated by the donors for colportage in the west and south-western states, to be employed under the direction of the Society in New York. The number of colporteurs employed in the field of the Boston Society varied from five to thirty, I think; I should judge the average for ten years was from fifteen to twenty.

Int. 13. Did you present this cause to the people on the field of the Boston Society on the ground of any particular wants of the people within that field? and if so, what?

Ans. I spoke of the destitution of the whole country; and in doing that, often spoke of the destitution of New England.

Int. 14. Will you state how the name, American Tract Society, was understood and used in the field of the Boston Society, and by what name the Boston Society was generally known and called throughout the same field?

Ans. During the whole period of my agency, I was often surprised to find more intelligent men, even ministers, ignorant of the corporate name of the Boston Society, and they called it the New England Society, and I often had to correct them. My letters, official letters, were in some instances addressed to me as Secretary of the New England Tract Society, even as late as the winter of 1857–8. Generally in the Boston field the Society at New York was considered the American Tract Society. Very frequently donations of $20 or $50 to constitute themselves life-members or life-directors, directed that they be constituted such of the New York Society. When they did not so direct, they were constituted such of the Society at Boston.

Int. 15. How generally was it understood throughout the field of the Boston Society that the Societies in Boston and New York had separate corporate organizations, as far as you know? And what was the general impression in that field in regard to the relations of these two Societies?

Ans. So far as my knowledge extends, in my extensive intercourse with pastors and churches in the Boston field, the general impression was that they were one Society. It was a very common idea that they were both one Society, or that this was an agency of the New York Society, called the American Tract Society. Take the public at large, and I do n't think they had any very definite idea as to what the relation was.

Int. 16. Which of the two Societies did the Boston Society regard

as the National Society or Parent Society, if you have any information upon the subject?

Ans. In our Committee and in the annual reports of the Committee the New York Society was spoken of as the National or the Parent Society interchangeably, as it happened. In addition to that, it might be said that the Committee of the Boston Society uniformly expected that the Society at New York would take the lead in all tract operations throughout the country, except in the field of the Boston Society, and also would direct and manage all appropriations for tract operations in foreign lands.

Int. 17. How far and in what manner did the Boston Society cooperate with the New York Society in carrying forward its general plans either in this country or abroad?

Ans. The Committee of the New York Society communicated to the Boston Committee their plans and operations, and invited the coöperation of the Boston Committee; and to such plans and operations the Boston Committee uniformly and cheerfully responded to the extent of their ability. At one time the Boston Society found itself largely indebted to the New York Society for its publications, and requested the New York Committee to make a pretty large discount from their bill, I think from three to five thousand dollars, and also to make a more liberal discount on the publications purchased of them: to both these proposals the New York Committee made a prompt and cheerful response. And also, whenever the New York Society was in want of funds, the Boston Committee cheerfully remitted what funds they might have in their treasury, either in payment for publications or as donations to their treasury. So well was this matter understood by the Boston Committee, that I often, without consulting them, remitted funds to the New York Society whenever they requested a remittance and we had funds on hand; (I acted as assistant treasurer for a number of years;) which remittances I reported to the Committee at their next meeting for their sanction.

Int. 18. What proportion of its funds did the Boston Society expend upon its own field? and how dispose of the excess, if any?

Ans. I can only make a general answer. I should judge, taking the whole period of my agency, that not more than one quarter of all the donations of the Boston Society were expended upon its own field; and that three quarters of all its donations were remitted as donations to the American Tract Society of New York. The payment for the publications was a mere mercantile transaction. All the appropriations for colportage, out of the field of the Boston Soci-

ety, and all the appropriations for the foreign field, were paid to the New York Society as donations from the Boston Society.

[The witness here, being unwell, was excused by agreement for the present, and the examination of Mr. Ornan Eastman was proceeded with, also by agreement.]

[Pursuant to adjournment, the examination was continued at 10 A.M., this 24th day of April, A. D. 1862. The examination of Mr. Eastman was discontinued by agreement, and the examination of Mr. Bliss continued also by agreement.]

Int. 19. Was any part of the Annual Report of the New York Society incorporated into the Annual Report of the Boston Society? and if so, what proportion?

(Objected to, unless the Reports are produced.)

Ans. I prepared the Annual Reports of the Boston Society for twenty-five years. In each one of them we incorporated or embodied a summary statement of the operations of the Society at New York. For a few years we incorporated in the Boston Report an abstract of the New York Society's correspondence and extent of their operations on the foreign field. After they commenced colportage in this country in 1842, the New York Society printed of that part of their Report relating to colportage in this country, and their operations in the foreign field, a sufficient number of copies for the Annual Report of the Boston Society, which were incorporated in their Report, in order to give information to the patrons and donors of the Boston Society; information that would interest them, and show them how their donations were expended. This part of the Report, printed by the New York Society for the Boston Society's Report, made, as I judge, from thirty to fifty or sixty pages usually, perhaps one half of the whole Report, not including the list of life-members and donations. The New York Society made no charge for this part of their Report furnished for the Boston Report. My impression is that the proportion was rather larger than I have stated, more than one half on an average.

Int. 20. Was any change made in the denominational character of the officers of the Boston Society after its connection with the New York Society? if so, what change, and for what reason?

Ans. The Boston Society was organized by gentlemen connected with the Congregational church. At the time of my connection with the Society, the Executive Committee and all the officers of the Society, so far as I know, belonged exclusively to the Congregational denomination, and the majority of all its officers have uniformly belonged to that denomination. I found in the early part of my agency

other denominations refused to coöperate with the Society, because it was exclusively a Congregational Society; they preferring to cooperate with the Society at New York, in which they were represented. To remedy this difficulty and bring other denominations into harmony with the Society, at my own suggestion the Executive Committee of the Boston Society proposed to the Society at its annual meeting, about the year 1835 or 1836, I am not certain which, to elect on the Executive Committee one member from each of the Baptist and Episcopal denominations. From that time onward the Executive Committee and other officers of the Society have been composed of members of the three denominations, Congregational, Episcopal, and Baptist. The reason for this change was to place the Boston Society more practically on the catholic basis of the New York Society.

Int. 21. Can you state more definitely the detail of the expenditure of the funds of the Boston Society? or in regard to the addition to the imprint of the publications furnished to the Boston Society by the New York Society?

Ans. During my connection with the Boston Society it received from sales of publications five hundred and three thousand four hundred and fifty-two dollars about; it paid to the New York Society for its publications, four hundred and sixty-three thousand two hundred and twenty-two dollars; it paid to the New York Society in donations two hundred and forty-one thousand seven hundred and four dollars. Of this sum it paid to the New York Society for expenditure on the foreign field eighty-four thousand two hundred and twenty-five dollars, and for colportage in the west and south and south-west one hundred and forty-six thousand four hundred and seventy-one dollars. It expended for colportage on its own field, forty-two thousand six hundred and thirty dollars. It circulated on its own field during my agency, as nearly as I can estimate, between five and six hundred thousand of the volumes purchased of the Society in New York; each of these volumes, with very few exceptions, bore exclusively the imprint of the American Tract Society, New York. In a few of the latter years of my agency, at the request of the agents of the Boston Society, and not at the request of its Committee, the imprint "Boston" was added to some volumes, not extensively. The reason for this was that the agents of the Boston Society thought it would give more prominence to that Society with the public to have the imprint "Boston" added to the imprint "American Tract Society, New York."

Int. 22. Can you state whether the Boston Society, during its connection with the New York Society, felt under any obligation to appropriate its surplus funds by way of donation to the New York Society?

Ans. I do not recollect that the question was ever raised in the meetings of our Committee. It was uniformly understood by the Committee, to the best of my knowledge, that it was under obligation by the terms of the union with that Society to pay to it its surplus funds so long as the New York Society supplied it with their publications at a satisfactory discount.

Int. 23. Were any of its surplus funds ever, during your connection with the Boston Society, appropriated in any other way? and if so, how?

Ans. I do not recollect of any instance in which it appropriated funds for tract operations out of its own field, but through the American Tract Society, New York. In one instance a legacy was made to the American Tract Society; the heirs of the estate disputed the will before the New York Society was incorporated. The legacy was paid to the Society at Boston, and by them paid over to the Society at New York. This legacy was not on the field of the Boston Society.

Int. 24. Do you, or not, intend to include legacies as well as collections, in what you have said of the appropriation of funds of the Boston Society?

Ans. No, sir; I intended to include only collections.

Int. 25. How were legacies appropriated then?

Ans. They were appropriated according to the wishes of the legators, when those wishes were expressed. When not expressed, the legacies went into the common fund, of which I spoke in my previous answer, and constituted a part of the surplus funds.

Int. 26. Will you state more specifically what you mean by the wishes of the legators being expressed or not expressed?

Ans. When the legator by his will stated that the legacy was to be appropriated for foreign distribution, or for colportage in his own country, the amount was paid to the Society at New York for these purposes. I do not recollect any instance in which a legacy was specifically appropriated by the donor for any other object.

Cross int. 1. While you were connected with the Society at Boston as agent and secretary, did it fail in any respect, by regular election of officers, by annual reports, meetings, and otherwise, to preserve its character in the community as a distinct Society?

Ans. I do not recollect of any failure.

Cross int. 2. Whether as an officer of the Boston Society for twenty-five years, you did not feel an interest in its success as a Society, and do what you could to promote and extend its usefulness?

Ans. I uniformly represented the Society as in entire harmony with the Society at New York, and in its relations to that Society as a branch, seeking to do the most it could in connection with that Society to extend tract operations over our whole country, and throughout the world; and yet having a distinct organization of its own.

Cross int. 3. Did you ever in public or private discourse hold out or represent that the Society of which you were the representative was identical with the New York Society, except in its general purposes?

Ans. My answer to that is, that I uniformly, when I had occasion to speak on the subject, spoke of the Society as identical with the New York Society, and harmonious with it in all tract operations.

Cross int. 4. Will you please answer the preceding question?

Ans. I never represented it as being one and the same Society, but yet acting as a branch of that.

Cross int. 5. Were you not for twenty-five years, more or less, well known to the Christian community of New England, and especially of the Congregational denomination, as the secretary and representative of the Boston Society?

Ans. I presume I was.

Cross int. 6. In your various public labors during that period, were you not uniformly introduced or known as the representative of the Society at Boston?

Ans. With some exceptions I was; but in some instances I was spoken of and introduced by the pastors as an agent of the New York Society, residing in Boston.

Cross int. 7. Whenever this mistake was made of introducing you as an agent of the New York Society, did you not correct it at the time, and inform the audience of your true relation?

Ans. Generally, the circumstances in which I was placed in such cases did not allow me with propriety to correct the mistake in public, but I corrected the individual in private who made the mistake.

Cross int. 8. Where did these mistakes occur, if you recollect? and when?

Ans. I am not able to state definitely and correctly. My impres-

sion is, that those mistakes occurred more frequently earlier in my agency rather than later, and generally the mistakes occurred in the central and western parts of this state, also in New Hampshire and Vermont. I don't recollect any instance in Maine.

Cross int. 9. How did you sign your name in all official correspondence?

Ans. Secretary of the American Tract Society. That was my official designation, and of course I could use no other. My correspondence was dated at Boston.

Cross int. 10. You were about adding, "of course it was understood;" will you please complete what you were about to say?

Ans. Understood that I was acting for the Society in Boston.

Cross int. 11. How was correspondence from the officers of the Society at New York addressed to you?

Ans. The envelopes of my letters were generally superscribed, "Secretary of the American Tract Society, 28 Cornhill, Boston." The letters inside were not generally officially addressed, but to the Rev. Seth Bliss, or brother Bliss.

Cross int. 12. Whenever you had occasion, in public or private, to allude distinctively to the New York Society, or the Boston Society, did you not refer to them as the New York Society, or Boston Society?

Ans. I generally did. I recognized the distinction between them, each having a distinct organization.

Cross int. 13. Whenever, as stated by you in your direct testimony, you were surprised occasionally at finding that ministers or others supposed the title of the Boston Society to be the New England Society, did you not correct the mistake?

Ans. So far as I can recollect I always did; but often found that on my next visit they had fallen into the same mistake again. I suppose of course I corrected it again.

Cross int. 14. Whenever you ascertained, as stated by you in your direct testimony, that persons had confounded the two Societies together as one, and supposed there was but one Society, did you not correct this mistake?

Ans. So far as I can recollect I uniformly did.

Cross int. 15. How often was the subject of the names of these Societies a topic of conversation during your connection with the Boston Society, between yourself and persons whom you met in the course of your labors?

Ans. It was very seldom that there was any occasion for me to

speak of the Boston Society as distinct from the operations of the New York Society. The topic of conversation was more generally in regard to the operations of the Society of New York. The subject of the names of these Societies was not often a topic of conversation until controversy arose in regard to slavery.

Cross int. 16. Previous to said controversy can you state any instance where you were informed by any person that his understanding was that the name American Tract Society belonged exclusively to the Society at New York, and not to the Society at Boston?

Ans. As far as I recollect there were differences of opinion on that subject. I don't recollect of any instance.

Cross int. 17. Can you state that you have personal recollection or knowledge of any instance where any body ever informed you, previous to said controversy, that they had understood or supposed that the name American Tract Society did not belong to the Society at Boston?

Ans. I found many individuals who supposed that the name of the Boston Society was that of the New England Society.

Cross int. 18. Excepting those persons referred to in your last answer, please answer as inquired of in the previous interrogatory?

Ans. Excepting those persons there were no others.

Cross int. 19. Who were these persons who supposed its name to be the New England Society? and when did these mistakes occur?

Ans. I cannot recollect the names of all the individuals of course over so long a period of time; but among those whom I can now distinctly recollect who made this mistake among pastors, are the late Rev. Dr. Packard of Shelburne, Mass.; the late Dr. Penney, then pastor at Northampton; Rev. Dr. Brown, then pastor of Hadley, Mass.; Rev. Dr. Osgood of Springfield; Rev. Dr. Ely of Munson, Mass.; Rev. Mr. Backus, then pastor of a church in Palmer, Mass.; Rev. Dr. Nelson of Leicester; a pastor of the Congregational church at Oxford, whose name I can't recall. I suppose if I had time I could recollect a great many, because I recollect of the fact of their being under this mistake, together with a good many intelligent laymen in different congregations that I came in contact with. These mistakes occurred all along during my agency even until the close; they occurred more frequently during the first of it. These mistakes sometimes occurred where I had repeatedly corrected the mistake before; they seemed to hold on to the mistake. Rev. Dr. Woodbridge and the Rev. Mr. Curtis, both of Hadley, now occur to me as having made the same mistake; the Rev. Dr. Woodbridge is still living.

Cross int. 20. Was not the collection of money to be applied to tract operations in foreign countries one of the well-known objects of the Society at Boston? and was not this often a prominent topic in your appeals to the public?

Ans. For the first ten years of my agency that, as I stated yesterday, was the burden of my appeals to the public for funds for distribution in foreign lands, and these funds were paid to the Society at New York for that purpose. The collection of money to be so applied through the Society at New York was one of the well-known objects of the Boston Society. I uniformly stated what the Society at New York proposed to do, and that we were trying to aid them to carry it out.

Cross int. 21. In stating to the public what had been undertaken or was contemplated in reference to foreign tract operations, did you not make this the basis of an appeal, that the Boston Society should contribute its proper share to the carrying on of the same?

Ans. I do n't recollect bringing in that topic as a basis of appeal, having other considerations of more importance and interest to the public, sufficient to occupy the whole time of a discourse. It was n't known until the end of the year how much could be appropriated by the Boston Society to foreign operations. My appeals were made on the broad ground of the wants and openings of the heathen world.

Cross int. 22. Did you not state generally, in this connection, that the funds contributed in answer to your appeals to the Boston Society would, as far as practicable, be applied by them to such foreign operations?

Ans. I do n't recollect of any very definite statement in any particular instance, but it was generally understood that what was contributed would be so applied by them.

Cross int. 23. Whenever the Executive Committee of the New York Society communicated to the Executive Committee of the Boston Society their proposed plan of foreign tract or colportage operations, did not the latter Committee always take the same into consideration, and pass their judgment upon the same?

Ans. I do n't recollect of any instance in which they did. The New York Committee stated to the Boston Committee what they proposed to do, and invited them to aid them in carrying out their plans. I recollect of no instance in which the Boston Committee objected to coöperation in carrying out the plans they proposed of colportage or foreign distribution, or questioned the wisdom of their proposed plans.

(On the question being reread, the witness answers,)

I recollect of no instance in which they did formally, or in any way.

Cross int. 24. Did or did not the plans submitted to the Boston Committee by the New York Committee, and to which they invited their aid, have the sanction or the disapproval of the Boston Committee? and which?

Ans. I recollect of no instance in which they disapproved of any of the plans proposed by the New York Committee for foreign distribution or for colportage, or objected to them. They uniformly sanctioned their plans by paying all the funds they could to execute them.

Cross int. 25. Will you please state whether said plans were considered by the Boston Committee before contributing the money? or were not considered?

Ans. They were communicated to the Boston Committee, and I do n't recollect any case where those plans were brought under discussion or doubt by that Committee. Perhaps it will be more correct to say proposals, instead of plans. The fact was the New York Committee sent on their proposals for foreign distribution or for colportage, and these were laid before the Boston Committee. The Boston Committee did what they could to aid in executing them.

Cross int. 26. Were not then those proposals uniformly considered by the Boston Committee, and a subject of conversation with them?

Ans. The only question that I recollect that the Boston Committee had on the subject was, How much can we do to help to execute them?

Cross int. 27. Will you please state whether or not the Executive Committee of the Boston Society, in discharging the trust reposed in them by their constituents, so far considered the propriety of any proposals made to them by the New York Committee as to decide, in their own judgment, whether such proposed objects were proper subjects for appropriation of the funds of the Boston Society? and whether said objects did in each instance have the sanction of said Boston Committee?

Ans. In every instance, so far as I can recollect, the proposals made by the New York Committee as to what they wished to do, so commended themselves to the judgment of the Boston Committee that they felt justified in appropriating the funds at their disposal to carry into execution such proposals.

[A recess was here had, after which the witness desired and was allowed to make the following statement.]

"Fearing that I have not heretofore apprehended the meaning of the word 'considered,' in the above questions, I will make the following statement: Usually in the month of January of each year, the Committee of the New York Society adopted a resolution to appropriate a definite amount of their funds to the foreign field, and divided this sum among the different missions and societies in foreign lands, which had applied to that Society for aid. This resolution, with a statement of the amount and its specific appropriations which they proposed to pay to each of these missions and societies, they sent to the Boston Committee, with the request that they would select from this list such of these missions and societies as they might choose, and to which whatever sum they should appropriate for the foreign field should be paid. The Boston Committee annually voted to appropriate a definite sum for the foreign field, and to pay this through the Society at New York. This sum they, the Boston Committee, divided among such of these missions and societies, and in such proportions, as they chose, and requested the New York Society to have it thus appropriated. The doing of this by the Boston Committee was of course a matter for their consideration."

Cross int. 28. Were not the New York Committee bound to appropriate, and so far as you know, did they not always appropriate the money remitted to them by the Boston Committee according to the directions of said Commitee?

Ans. I presume they felt bound to carry out the wishes of the Boston Committee in the same sense in which they did to carry out the wishes of any other donors of the Society; and to the best of my knowledge they did so in every instance.

Cross int. 29. Suppose the proposals of the New York Committee in any one year, had been contrary to the judgment of the Boston Committee, would the latter have been bound, according to your understanding of their duty, to have appropriated the funds of their Society to objects which they did not approve of?

(Objected to as not calling for matter of fact, but for mere matter of opinion upon a hypothetical case.)

Ans. I suppose not.

Cross int. 30. Were not all the appropriations and donations made by the Boston Society for operations out of its own field made by special votes of the Executive Committee, and recorded in their records?

Ans. So far as I recollect they were, without exception.

Cross int. 31. Please examine the books marked Exhibit D, and Exhibit E, J. E. M. Com'r, on the fly-leaves, and state whether or not they are the records of the Executive Committee of the Boston Society?

Ans. I recognize the books shown me as the records of the Committee during my connection with the Society. The book Exhibit D, I recognize as the book of records which came into my hands at the time I entered the service of the Society.

Cross int. 32. Was not the Executive Committee of the Boston Society at liberty to appropriate, and did they not always appropriate so much of their own funds for operations within their own field as they judged best?

Ans. They were, and they did.

Cross int. 33. When did the agreement or understanding in reference to the division of the fields between the New York Society and the Boston Society referred to in your direct testimony take place?

Ans. The agreement or mutual understanding on this subject was made prior to my connection with the Society; but such division I was informed by the Executive Committee of the Boston Society, when I entered its service, to have been mutually agreed upon when the Boston Society became a branch of the New York, and such agreement was mutually respected while I was connected with the Society.

Cross int. 34. According to that agreement, was not the Boston Society exclusively entitled to make collections in its own field?

Ans. So far as I know it did n't attempt to collect any funds out of its own field for its own treasury, nor did the New York Society collect funds in the field of the Boston Society for its own treasury. I have no recollection of the question of such exclusive right of the Boston Society ever being debated in the Committee.

Cross int. 35. Did you not always understand and believe that by the common understanding and arrangement of the two Societies, the Boston Society was exclusively entitled to make collections in its own field and the New York Society in its own field, and did you ever hear or know of any different understanding until the present controversy?

Ans. I have n't any such knowledge on that question. Practically it was so. I can say for myself that I did n't feel at liberty to go into that field, nor so far as I know, did our agents, unless invited by that Society. And when they did go by that invitation, the

collections made by them were paid over to the New York Society, so far as I know. Myself, and sometimes our agents, were sometimes invited by the New York Society to visit churches and collect funds in their field; and more frequently the secretaries or agents of the New York Society were invited by the Boston Society to collect funds and visit the churches on their field: in such cases, so far as I know, such funds or collections were paid to the Societies on whose fields they were made. This was as a general thing; there were some exceptions, perhaps. From two to three thousand dollars usually a year, were sent by the donors and pastors of churches on the field of the Boston Society to the treasury of the New York Society; and so far as I can recollect, from fifty to two hundred dollars were sent from donors in that field to the treasury of this Society. Donors felt at liberty to send their donations to either Society, so far as I know.

Cross int. 36. Was it not the common understanding of the two Societies that each was to make collections in its own field? And could either violate this agreement without a breach of good faith, or without discourtesy to the other Society?

Ans. It was. I know of no instance in which any difficulty occurred between the two Societies on that subject.

Cross int. 37. Do you know, or do you mean to state affirmatively, that there were any instances, where the agents of one Society made collections in the field of the other, that such collections were not paid over to the latter Society?

Ans. I can't answer positively without consulting the records of the Society; I don't now remember any such instance.

Cross int. 38. Did you not write the Forty-first Annual Report of the Boston Society, and did you not use therein this language: "This Society, [referring to the Boston Society,] organized eleven years previous to the other, takes Maine, New Hampshire, Vermont, and Massachusetts as the field in which it more directly acts, and from which it is expected to receive all the funds contributed to this cause?"

Ans. Yes, I wrote that, and it is true as a general statement. After the establishment of railroads in New England, terminating in or connecting with Boston, the Boston Society, with the consent of the New York Society, or rather, by an understanding with the New York Society, embraced in its field the whole of the four states above-named.

Cross int. 39. Did not the agents of each Society confine their

labors, public and private, to the field of such Society, unless they were invited by the other Society into its field, as you have already stated?

Ans. So far as I know, they did.

Cross int. 40. Did you not visit the towns of Sunderland and South Deerfield, and others in that vicinity, and present the tract cause to the churches therein?

Ans. I do not recollect of ever presenting the cause to the church in Sunderland; but in the earlier period of my agency, I presented the cause to churches in several towns in that county, such as South Deerfield, Greenfield, Shelburne, Conway, North Greenfield, and Whately, I think. That county, with some of the adjoining counties, was annually visited by other agents of the Society, including the towns of Sunderland and South Deerfield; more frequently by the Rev. Mr. Ferguson or by the Rev. Mr. Holmes than by myself. Mr. Ferguson resided in Whately, but is now dead, and Mr. Holmes is in Illinois.

Cross int. 41. Were there not also, annually, conferences in the different counties composed of delegates from the different churches in said counties, at which the claims of the Society were presented by its agents?

Ans. There were usually such conferences, and our agents in that part of the field made it a point to attend them whenever they could, and as they had opportunity to present the claims of the Society.

Cross int. 42. Were you acquainted with Mr. Luman Pease in his lifetime?

Ans. I have no recollection of any personal acquaintance with him.

Cross int. 43. Did you or other agents of the Boston Society, annually or oftener, visit the town of Oxford, and present the cause of the Society there?

Ans. In the earlier part of my agency, I presented the cause to the Congregational church in Oxford, I can't say how often; but my impression is, not more than three times. The Rev. Mr. Holmes, after the time I've spoken of, usually visited the church in Oxford, as he lived at the town of Auburn near by. I don't know of the visits being oftener than annual, and I think not always that often. The pastor of the church at Oxford sometimes presented the cause to his people himself.

Cross int. 44. Was not colportage and distribution of publications

among the fishermen of the New England coast, and of the British provinces, an important branch of the work of the Boston Society? And were not these interests frequently presented by you and other agents of the Society in your public addresses?

Ans. The Boston Committee always furnished liberally tracts for seamen on their field; I was not accustomed myself in my appeals to give that subject great prominence; but in the latter years of my connection with the Society, the Rev. Mr. Alvord made the wants of that class a somewhat prominent object in his appeals. Mr. Alvord was first an agent and then Assistant Secretary of the Society. Mr. Alvord made colportage among the seamen in New England and in the British provinces somewhat prominent.

[The examination was here adjourned till 10 A. M. of the following day, April 25th, 1862.]

[Pursuant to adjournment, the examination was resumed at 10 A. M., this 25th day of April, A. D. 1862.]

Cross int. 45. Whenever the agents of one Society labored in the field of the other, by invitation as you have stated, were not their expenses always paid by such latter Society?

Ans. Not always. Whenever an agent of the New York Society was invited to labor in the field of the Boston Society for any considerable period, from three to eight weeks, the Boston Society paid his expenses; and I recollect of but one instance where they paid any thing more than that. When the Secretaries or General Agents of the New York Society spent a Sabbath or two in presenting the cause to the churches in the Boston field, as far as I can recollect the Boston Society did not pay any part of their expenses: and also when I myself spent a few weeks or so in advocating the cause in the field of the New York Society and at their request, that Society did not pay any part of my expenses.

Cross int. 46. When the Boston Society made donations to the New York Society for colportage purposes, did they not specify the particular colporteur or the particular field or locality to which such donations were to be applied?

Ans. Nearly the whole amount, perhaps the entire amount, of donations, especially for colportage, was paid to the New York Society in behalf of the individual donors of the money, to whom an individual colporteur had been especially assigned; and the Boston Society acted as the agent of these donors in carrying out the benevolent intentions of the individuals and colporteur associations who furnished the money. The money was appropriated by the individ-

uals themselves. Each colporteur had a specific field, which was known to the donors, as also his name and address. I do n't recollect any instance where the Boston Society had any colporteur in the New York field which it supported itself, from its own funds. In cases of legacies to the Boston Society especially for colportage, the amount of the legacy was paid to the New York Society, in some cases at least, if not all, for them to expend for colportage on their own field; but in such cases I do not recollect of any colporteurs especially assigned to the Boston Society, as in the case of colporteur associations or individual donors.

Cross int. 47. Whenever the Boston Society made any donations to the New York Society, from any legacies which had been given to the former particularly for colportage purposes, did it not always require that the sum thus given to the New York Society by it should be so applied?

Ans. All the requisition commonly made on them was to state the facts in the case to them, and leave it to their honor to apply the money according to the request of the donor. There was no special requisition that I know of.

Cross int. 48. Whenever the Boston Society made donations to the New York Society from legacies which had been given to the former for colportage purposes, was it not with the understanding that the New York Society should apply such donations to colportage purposes, and were the New York Society at liberty to make any other application of them?

Ans. The Boston Committee expected the New York Committee would carry out the intentions of the donor, as stated to them by the Boston Committee. I presume the New York Committee felt themselves honorably bound thus to do, and I presume they did not feel at liberty to do otherwise.

Cross int. 49. Previous to the incorporation of the New York Society in 1841, to whom were legacies, given to "The American Tract Society" by testators residing within the field of the New York Society, originally paid, and by whom receipted for?

Ans. They were receipted for by the Society to which they were paid. They were generally paid to that Society, so far as I know. I do n't know of any instance where they were not; there may perhaps have been such.

Cross int. 50. Whenever legacies were made to "The American Tract Society" by testators residing within the field of the Boston Society, to which Society were these legacies paid?

Ans. Sometimes to the Boston Society, and sometimes to the New York Society.

Cross int. 51. State any instance where a legacy thus given was paid to the New York Society previous to the present controversy.

Ans. I cannot now answer that question definitely without consulting the records of both Societies. And I do n't recollect of any instance where the Boston Society claimed the legacy paid from their field to the New York Society.

Cross int. 52. Whenever a legacy given to the "American Tract Society" by a testator residing within the field of the Boston Society was paid in the first place to the New York Society, is there a single instance within your recollection where the amount thereof was not either paid over or accounted for to the Boston Society?

Ans. I do n't recollect any such case at all. I do not recollect of any such case where the Boston Committee claimed of the New York Society that the New York Committee should account to them for such legacy. So far as I recollect, it was rather a matter of indifference to the Boston Committee to which Society the legacies were paid, as the funds of both Societies were appropriated to a common object. If there was any special interest felt on the subject, it was rather a desire to exhibit to the public, by the amount of the annual donations made to the Society, the liberality of the friends of the tract cause in the Boston field.

Cross int. 53. Will you please look at Exhibit D, under dates of Sept. 7th, 1840, and Oct. 12th, 1840, and state whether the record signed by you, with reference to the legacy of Miss Rebecca Waldo, is correct or otherwise?

Ans. The record is a correct statement of the facts, I believe. We had frequently such cases where we made claims upon the executors, but never made claim upon the Society at New York. We were anxious to swell our donations. I might add to that, I recollect no instance in which the New York Committee objected to our making such request of the executor.

Cross int. 54. Was it not the understanding of both Societies that whenever legacies were given by testators to "The American Tract Society," without further designation or appropriation, they belonged to the Society in whose field the testator resided?

Ans. So far as I recollect, the Boston Committee took no action and passed no formal vote on that subject; but in my correspondence with the New York Society, I endeavored to have a mutual understanding that such should be the case; and I have no recollection

or knowledge that the subject was ever formally brought before the New York Committee for their action. It was not the understanding between the Societies or Committees as such, but it was between the Secretaries of the Societies, but not as binding the Societies or Committees.

Cross int. 55. Were not all the publications which the Boston Society received from the New York Society paid for by them to it?

Ans. Yes, as far as I know.

Cross int. 56. Did not the Boston Society purchase of the New York Society the American Messenger and Child's Paper and Botschafter in gross? and were not these sent on in bulk to the Boston Society?

Ans. The New York Society furnished the Boston Society with these papers at a stipulated price per copy monthly; and they were forwarded in packages of from three to five thousand copies in each. In consequence of the Society at Boston gratuitously distributing that paper on their field in the earlier period of their issue, the New York Society made a liberal discount in their bill from the stipulated price.

Cross int. 57. Did not the Boston Society have a subscription-list of its own for each of these papers? and were not the papers folded and done up in Boston by the Boston Society?

Ans. The Boston Society had a list of its own of all subscribers, and directed and managed their distribution.

Cross int. 58. Did not the American Messenger always contain in distinct columns and under distinct headings a list of donations and legacies to the New York Society, and also a list of the same to the Boston Society?

Ans. It did, so far as I know.

Cross int. 59. Was not the same true of the American Tract Magazine, which was issued previous to the existence of the Messenger?

Ans. Yes, so far as I know. The American Messenger was substituted for the Magazine, I think in 1842.

Cross int. 60. Did not the Messenger always contain a notice of the form of a bequest to the American Tract Society, including a notice or direction as to the particular form to be adopted when the bequest was intended for the New York Society, and when for the Boston Society?

Ans. I believe it did, with perhaps a few exceptions, here and there, in the earlier numbers.

Cross int. 61. Please examine the paper marked Exhibit F, J. E.

M., Com'r., and state whether it is not a portion of the number of the American Messenger for March, 1853?

Ans. It is. The notice concerning "remittances for the American Tract Society" was usually in every number.

Cross int. 62. Was it not always understood between the two Societies, that the Boston Society should have the selection of one member of the Publishing Committee of the New York Society, who was to be a member of the Congregational denomination in New England?

Ans. I have no knowledge of any such understanding.

Cross int. 63. Did you write the Thirty-first Annual Report of the Boston Society, and did you use therein this language: "It was also understood by the parties, [referring to said Societies,] that this Society should have the privilege of nominating the Congregational member of the Publishing Committee of the New York Society?"

Ans. I did; and afterwards, on consulting the records of both Societies, found that I was mistaken.

Cross int. 64. You say you were mistaken; was it not merely that you found no record of any agreement or vote on the subject?

Ans. Yes; that I found no record of any agreement of that kind.

Cross int. 65. Is not that the only reason you have for saying that you were mistaken?

Ans. No; for if I recollect correctly, the New York Society on its organization refused by a vote directly on the question to consent to such an agreement. I was not present when the vote was taken, but think I have seen the record of it.

Cross int. 66. Was it not understood by those who effected the arrangement between the two Societies, that the wishes of the Society at Boston should be duly regarded in the annual election of the Publishing Committee of the New York Society?

Ans. Not being present at that time, I cannot answer directly what the understanding was. As to my own knowledge on the subject, whenever any change in the Congregational member of the Publishing Committee was made by death or resignation, requiring the election of a new member, the Committee of the New York Society named to the Committee of the Boston Society, in some instances, but not always, the individual of the Congregational denomination whom they should propose to the New York Society to elect as the member of the Publishing Committee; and that individual was uniformly one residing in the field of the Boston Society.

Cross int. 67. Please state in what instance the New York Com-

mittee ever failed or omitted to name such proposed member to the Boston Committee?

Ans. In answer to this question, I refer to the Brief History of the Society at Boston, written by me by direction of its Executive Committee, as containing all the knowledge I have in answer to the question proposed. It will be found on pages 40 and 41, marked Exhibit C, J. E. M., Com'r.

Exh. B.H. p. 257.

Cross int. 68. If no exception is stated in that History, is it now within your recollection that any such exception ever did occur?

Ans. It is not.

Cross int. 69. So far as you recollect, was there not always a consultation or conference between the Committees or Secretaries of the two Societies, as to who would be a suitable or satisfactory person, before the nomination was made?

Ans. All the knowledge I have on that subject is stated in the "Brief History."

Cross int. 70. Before the nomination was made to the New York Society of any Congregational member of the Publishing Committee, did not the Boston Committee always have an opportunity to express their views and wishes in reference to the same?

Ans. Whenever the New York Committee named to the Boston Committee the Congregational member they proposed to elect on their Publishing Committee, the Boston Committee had opportunity to object if they chose; but they were not in every instance of such election notified of the person whom they proposed to elect.

Cross int. 71. Do you mean by this last answer to vary or contradict what you have already said in answer to the 68th cross interrogatory?

Ans. I do n't see any discrepancy between those answers.

Cross int. 72. Was not the refusal by the New York Society in 1858, to accede to the wishes of the Boston Committee in respect to the Congregational member of the Publishing Committee, one of the assigned causes of the separation?

Ans. I have no knowledge that the Boston Committee made any request to the New York Committee, or took any action on the subject of that election. I am not aware that that election was objected to by a majority of the Boston Committee; I suppose it probable that that election was not agreeable to some members of the Boston Committee, and to some members of the Boston Society, and had its influence in promoting the separation.

Cross int. 73. Whenever the Annual Reports of the Boston Socie-

ty embodied portions of the Annual Reports of the New York Society, did they not state that such portions were taken from the Reports of the New York Society?

Ans. So far as I recollect, in every instance of such portions being embodied, it was preceded by a distinct statement that it was taken from the New York report.

Cross int. 74. Was it ever proposed, within your recollection, that the Boston Society should cease to act as a distinct Society, and should become merely an agent or auxiliary of the New York Society? and if so, when? and was such proposal acceded to by the Boston Society?

Ans. I do not recollect of any instance in which such proposal was ever made to the Committee of the Boston Society; but I quite distinctly recollect one instance when a prominent pastor of a Congregational church proposed or suggested to me, as an individual, that the Boston Society should dissolve its organization, and that the New York Society should establish an agency or committee in this city in its stead. I objected to this very strenuously on account of the difficulties which would arise from its incorporation and its legal claims. I communicated this suggestion to the senior Secretary of the New York Society in an interview with him, and he decidedly objected to it.

Cross int. 75. Were you not, as Secretary of the Boston Society, under the direction and control of its Executive Committee?

Ans. Yes.

Cross int. 76. When did you cease to be an officer in the Boston Society, and how? By resignation, or otherwise?

Ans. All my official relations with the Boston Society ceased in May, 1858, by failure of a reëlection.

Cross int. 77. Have you since then been more or less in the employment of the New York Society?

Ans. I have had no official relations or connections with the New York Society since then, with the exception of a period in the winter of 1858–9, when I performed an agency for that Society for about three months. Since then I've known no more about it and had nothing more to do with it than any other private individual.

Cross int. 78. Did you not in your said Thirty-first Annual Report also say, "This union was not an amalgamation; each Society was still a distinct and independent corporation, bearing the same name, and each acts in its own sphere, and under a charter from the state in

which it is located; and yet, like the states of our confederacy, both are united for one common and noble object?"

Ans. I wrote that statement, and my impression is that such a statement is often found in our annual reports.

Direct resumed int. 1. In what words, as far as you recollect, was the introduction named in the 6th cross-interrogatory?

Ans. Sometimes as the Secretary of the American Tract Society, Boston; more frequently as the Agent of the American Tract Society, without any specification, and in some instances as the Agent of the New England Tract Society.

Direct resumed int. 2. You have stated that some persons considered the name of the Boston Society to be the New England Society; did you or not mean to imply that others generally called the Boston Society by its corporate name of the American Tract Society.

(Objected to.)

Ans. I did.

Direct resumed int. 3. Do you know of this Society being called in New England by any other than those two names? and how, generally?

Ans. I do n't recollect of any instance in which it was called by any other name than the two mentioned.

Direct resumed int. 4. How did people generally speak of the Boston Society in New England.

Ans. In the later years of my agency it was called the American Tract Society more generally than in the earlier years.

Direct resumed int. 5. You have stated that the controversy between the two Societies grew out of the slavery question; how did that controversy result in regard to their continuing together, or separating?

Ans. It resulted in the formal withdrawal of the Boston Society from its branch relations to the Society at New York.

Direct resumed int. 6. Will you look on the Report of the Boston Society for 1858, and state whether that Report contains the preliminary proceedings with reference to the separation?

Ans. These proceedings are found on pages 3, 4, 5, 6, 7, 8, and 9 of this Report, [which are hereto annexed and marked Exhibit G, J. E. M., Com'r.]

Direct resumed int. 7. Which of these Societies had the support of the New York Observer in this controversy?

Ans. The New York Society, as far as I know.

Direct resumed int. 8. You have been cross-examined in regard to legacies on the field of the Boston Society; will you state what disposition was expected by the Boston Society to be made of legacies given expressly to the New York Society?

Ans. I have no recollection of the Boston Committee ever making any request of, or giving any directions to the New York Committee, or making any claim on that Committee for such legacies.

Direct resumed int. 9. You have been cross-examined in regard to the exclusive right of the Boston Society to collect funds in its own field; will you state the common practice of religious societies having a common object, and connected as parent and auxiliary or branch, in regard to that subject, if you know? and whether the practice of these two Societies differed from that?

(Objected to.)

Ans. I have never heard of or known any benevolent Society claiming the exclusive right to collect or receive funds from any particular state or district of country. I do not know of any difference in regard to such exclusive right between the New York and Boston Societies, and other kindred Societies having a common object. The American Board of Foreign Missions and the American Missionary Association are kindred Societies, seeking to promote the same common object; also the American Sunday-school Union, and the Massachusetts Sunday-school Society, and the American Home Missionary Society, and the Massachusetts Home Missionary Society. The American Bible Society, and the several state Bible Societies, and their auxiliaries are all kindred societies for promoting the same object; yet these societies send their agents into the same field, and to the same churches to collect funds for their several treasuries; and so far as I know they do this without let or hinderance from each other, or opposition from the people or the churches.

Direct resumed int. 10. Will you state any instances you may recollect where the New York Society has made collections in the field of the Boston Society without objection from the Boston Society?

Ans. Some time in the years 1836 and 1838, so near as I can recollect, the New York Society found itself greatly in need of a special fund to enable it to keep on hand a larger stock of its publications, to meet the increasing demand for them, and their Committee undertook to raise a fund of forty thousand dollars especially for this purpose by subscriptions of or donations from their more liberal friends in New York, and in New England. For this purpose the New York

Committee sent a special delegation to Boston and Massachusetts to obtain subscriptions and contributions from individuals for this fund, then called the volume fund. This delegation consisted of the Rev. Dr. Macauley, then a member of the New York Committee, and another member of the New York Committee whose name I do not now recollect, and also of Mr. Hallock, the senior Secretary of the Society. The Boston Committee, not formally and officially, but as individuals friendly to the enterprise, not only cordially welcomed the delegation, but some, if not all of them, contributed or subscribed to this fund. A meeting of gentlemen friendly to the objects was held at the house of the late Judge Hubbard to aid the effort. I attended that meeting, and took part in its proceedings, as did several if not all of the Boston Committee. The meeting adopted resolutions approving the object, and commending it to the confidence and liberality of friends of the tract cause in New England. On the next day I accompanied the delegation in calling on individuals in Boston for their contributions or subscriptions. The object was favorably received. I heard no one objecting to the delegates collecting funds in Boston for the exclusive use of the Society in New York. Liberal subscriptions were obtained from individuals, ranging from fifty to five hundred dollars. I cannot now state the exact amount obtained in Boston, but my impression is that it was more than three thousand dollars. As some of these subscriptions were payable in annual instalments, I well recollect that for some two years afterwards individual subscribers paid their instalments to me to remit to the New York Society. A copy of the subscription-book was left in my hands for this purpose. This delegation on leaving Boston visited several of the larger towns in Massachusetts; and on their return to New York, reported that they had obtained some five or six thousand dollars in Boston and Massachusetts. I have never heard or known of any member of the Boston Committee or of any patron of the Boston Society objecting to this proceeding on the ground of any exclusive claim or right of the Boston Society to all the funds collected or contributed to the tract cause on its field, or on any other ground. Individuals often paid donations to me of twenty and fifty dollars to constitute themselves life-members or life-directors of the Society at New York. In such cases the money was not paid into the treasury of the Boston Society, but remitted to the Society at New York for the purpose contemplated by the donors.

Direct resumed int. 11. You have been asked on cross-examination in regard to the obligation imposed upon the New York Society to

expend the donations of the Boston Society according to its wishes; will you state what account the New York Society were expected to render the Boston Society, if any, of the mode of this expenditure? and what account ever was rendered, if any?

Ans. I have never known of the New York Committee reporting to the Boston Committee any account of the manner of the expenditure of the donations to them of the Boston Society, nor have I ever known of the Boston Committee expecting or requiring the New York Committee to report to them the way or manner in which they had expended the donations of the Boston Society any further than was found in the annual reports of the New York Society.

Cross int. 79. You have just said that you have never known of the Boston Committee requiring or expecting an account from the New York Committee of the manner in which their donations had been expended; was not this because the Boston Committee had entire confidence that their donations would be applied as specified?

Ans. I suppose it was.

Cross int. 80. Did not the New York Committee invariably acknowledge by receipt, or other writing, all sums thus donated to them by the Boston Committee?

Ans. They always did so, and it was expected that they should; and it was necessary that the Boston Committee might have vouchers for all moneys they paid, and for the correct auditing of the treasurer's account.

Cross int. 81. Did not the Annual Reports of the New York Society always contain a statement of the donations made to them by the Boston Society, and of their appropriation.

Ans. I did not prepare any of the New York Reports, and I cannot of course testify to what those reports contain. So far as I have knowledge on the subject, their annual reports always contained a statement of all the donations and other monies they received, and of the names of individuals and societies, with the respective amounts from each. I have no knowledge that the New York reports contained a specific statement of the objects for which they expended the various sums donated to them in detail.

Cross int. 82. Did not the written acknowledgments made by the New York Committee of the donations made to them by the Boston Committee include a reference to the purpose for which such donations were made, as well as the amount thereof?

Ans. Uniformly they did, I think.

Direct resumed int. 12. After receiving these acknowledgments from the New York Society, what further responsibility did the Boston Society feel, if any, in regard to the expenditure, or to look after the mode and manner of such expenditure?

Ans. I am not aware that the Boston Committee in any instance felt any particular responsibility or anxiety concerning the matter.

SETH BLISS.

TESTIMONY OF ORNAN EASTMAN.

Int. 1. What is your name, age, residence, and occupation?

Ans. Ornan Eastman; 66; city of New York; Corresponding Secretary of the American Tract Society.

Int. 2. When and how were you first connected with the American Tract Society, New York?

Ans. I became an agent of the American Tract Society, New York, in October, 1825, about five months after it was formed, and before it had issued any tracts. My business was by preaching and conversation to explain the objects and principles of the Society, form auxiliaries, secure contributions and the general coöperation of the churches of the different denominations. I continued in that work in the city and state of New York a little more than a year. In the autumn of 1826, I was appointed Agent of the Branch American Tract Society at Boston by mutual arrangement between the Committees of the two Societies. I came to Boston in December, 1826. I held at the same time a commission as an agent from the Society at New York, which authorized me to act for that Society whenever I should find persons who should prefer to send their contributions and donations directly to the New York Society.

Int. 3. Will you state how the business of the tract cause was conducted in the field of your labor during your connection with the Boston Society?

Ans. My first business here at that time was to lay before the Committee of the Branch the plans and wants and operations of the Society at New York, with a view to promoting the tract work in New England, and securing their efficient coöperation with the Society at New York. Public meetings were held, auxiliaries formed, new impulse was given, and in May, at the anniversary, strong expression was given of the readiness of the Branch, in connection with the work on its own field, to give efficient aid to the New York Society. I wrote the Thirteenth and Fourteenth Annual Reports of the Branch, and was elected its Secretary in 1827, and reëlected in

1828. While I was connected with the Branch, its operations were limited by mutual consent to Maine, New Hampshire, Vermont east of the Green mountains, and Massachusetts east of Berkshire county. Auxiliaries and depositories which had previously existed in the other parts of the Union, of the Branch Society, were united with the New York Society, or given up. Many of the depositories in the field of the Branch being unprofitable, were discontinued. The interests of the New York Society and the Branch were so identified, that each individual and church were free to exercise their choice whether to give directly to the Society or to give through the Branch. There was no controversy or conflict of interest between the Branch and the New York Society on those points for thirty years. In October, 1828, by a mutual arrangement between the Committees again, I resigned the secretaryship of the Branch, and accepted the appointment of General Agent of the American Tract Society, New York, in the valley of the Mississippi. Before leaving the Branch, I collected $1,000, to aid the New York Society in sustaining the proposed agency, to which nearly another thousand was added by the Branch in the course of the year.

After spending nearly two years at the west, I returned in 1830 to New York; and in 1832 was elected Visiting and Financial Secretary, and in 1839, Corresponding Secretary of the American Tract Society, New York, which office I have held to the present time. While I was connected with the Branch, its operations were extended and made quite efficient over nearly all its field. I was not present at the founding of the New York Society, and not connected with either at that time. For more than thirty years I was acquainted with the Executive Committee and officers of both the Society at New York and the Branch at Boston, and was also familiar with their relations to each other and their mode of doing business.

Int. 4. Will you state your knowledge of the operation of these two Societies in relation to each other and to the work in which they were engaged?

Ans. The Society at Boston was a Branch of the Society at New York by its own unanimous vote as recorded in the documents, as appears in the Appendix to the Eleventh Annual Report of the Boston Society, 21st page, for the year 1825. The resolution is in the following words:

"That it is highly desirable for this Society to become a Branch of the National Society established in New York, and that the Executive Committee be authorized to consummate this union upon such principles as will promote the great object of both Societies."

It was understood that the Boston Society or Branch would occupy the field that has been mentioned above, in making collections and circulating its publications, and expending what seemed desirable for its own field, and that the excess of its receipts would be remitted in donations to the New York Society. The Branch, which had issued or printed its own publications up to 1825, becoming a Branch of the New York Society, by the terms of union transferred its stereotype plates and engravings to the New York Society, and received its publications by agreement from that Society.

[The examination of this witness was here discontinued by agreement, and Mr. Strong, witness for New York Society, took the stand.]

These terms are found on pages 28 and 29 of "A Brief History of the American Tract Society," [which pages are hereunto annexed, and marked Exhibit C., J. E. M. Com'r,] viz.:

"Whereas it is one principle of union between this Society and the American Tract Society established in the city of New York, that our present series of tracts be continued in circulation by that Society, with such alterations as shall be acceptable to the Publishing Committee of that Society and the Executive Committee of this; therefore,

"1. *Resolved*, That a Committee of this Board be appointed to act with full powers, in connection with the Publishing Committee of the American Tract Society at New York, in preparing and perfecting this permanent series, and that the Rev. Leonard Woods, D. D., be the Committee for that purpose. *Also Resolved*, That it is the wish of this Committee that the second series of tracts be published by the Society at New York on the same terms.

"2. *Resolved*, That it is desirable that this Committee should, for the present year, continue to prosecute the business of printing tracts according to the above arrangement, as far as the great design of the National Institution shall permit.

"3. *Resolved*, That this Society agree to transmit their stereotype plates and engravings to the Society at New York, as the interests of that Society shall require, and to receive the tracts of that Society in remuneration, the plates and engravings to be estimated at cost.

"4. *Resolved*, That it is the wish of this Committee that the Executive Committee of the Society at New York should, as soon as convenient for them, take the publishing of the American Tract Magazine under their charge, on the condition of their supplying us with as many copies as we need at cost, and of their inserting in those which we take an account of the receipts of our Society.

"5. *Resolved*, That it is the desire of this Committee that the Executive Committee of the Society at New York should publish the Christian Almanac for 1826, from the Boston edition, with such alterations as they deem proper; and that in future years they should make arrangements for publishing this work at New York.

"6. *Resolved*, That it is the understanding of this Committee that the tracts taken by this Society from the Society of New York, shall be furnished on as low terms as they can be published by this Committee in this place.

"7. *Resolved*, That a copy of the above Resolutions be communicated to the Delegates from New York, and that, provided they give their assent to the princi-

ples involved in these Resolutions, this Society shall become a Branch of the American Tract Society established at New York, and that its union with that Society shall be then, and on those principles, consummated.

Attest, SAMUEL GREEN, *Clerk of Com.*

The New York Society was recognized from its origin as an independent National Society; it was so designated as a National Society by the Convention at its formation, as appears from a resolution, unanimously adopted, on the 19th page of the Abstract of the Minutes of the meeting:

"*Resolved*, That this meeting regard with peculiar interest the formation of a National Tract Society, to have the seat of its operations in this city."

The Society was so recognized generally from the time that I became its agent in 1825. In the Annual Reports of the Boston Society it is repeatedly called the National Society. This word is used four times on page 21 of the Eleventh Annual Report, in an official document signed by Leonard Woods in behalf of the Executive Committee; it is used twice on the 22d page of the same Report; once in the caption to a document signed by the Delegation from New York. [Copies of these documents will be found on pages 29 to 30 and 32 to 34 of the Brief History before mentioned, and are hereto annexed and marked Exhibit C, J. E. M., Com'r.]

See Exh. B. H. App. p. 262 to 267.

The terms of union were carried out to the satisfaction of both Societies essentially in the course of the first year. One item pertains to the series of tracts published by the Boston Society. That Society, organized in 1814 under the name of the New England Tract Society, and incorporated by the same name in 1816, was known by that name till June, 1823, when its name was changed by the legislature of Massachusetts to the American Tract Society. Immediately upon the organization of the American Tract Society at New York, it was deemed essential to secure the coöperation of all Tract Societies which had previously published tracts. In accordance with the wishes of that Society and for their own advantage, said societies at Philadelphia, Baltimore, and other places, ceased publishing, and soon became branches or auxiliaries of the National Society. The Boston Society, which had become a Branch, ceased publishing, except occasional tracts and reports. The series of tracts published by the Boston Society, which were taken as a basis of the series of the Society at New York, were first examined, revised, and adopted in accordance with the terms of union. This occurred in the course of the first year. From this time the Publishing Committee of the Society at New York had the sole responsibility of prepar-

ing and issuing all its publications. I omitted to mention that the series of the Boston Society were to be adopted with such alterations as should be acceptable to the Publishing Committee of the New York Society and the Executive Committee of the Boston Society.

The economy of the Society, the National Society, in having one set of stereotype plates and engravings from which to issue publications for the whole country, was regarded with great favor by the community generally. The Boston Society immediately came into full coöperation, and they worked together with the utmost harmony for a period of more than thirty years. The New York Society was ever desirous of meeting its wishes, and the Boston Society to do every thing in its power to aid the New York Society in extending its operations in every part of this country, and as far as possible throughout the world. In accomplishing this object it remitted donations for foreign distribution, for colportage, for the general objects of the Society, from year to year, varying, according to its ability, from one thousand to five thousand, ten thousand, and in one year nineteen thousand three hundred dollars, I think; amounting in all to some two hundred and forty thousand dollars. In this the Boston Society acted with entire fidelity to the understanding between the two Societies from the formation of the union. It was a most effective auxiliary and agent of the New York Society upon the field of its operation, so much so as to render it unnecessary for the New York Society, in carrying out its great work of occupying the whole country, to have or to employ any other direct permanent agency on that field, though occasional agencies for a brief period were performed on that field almost every year by the secretaries and agents of the New York Society. This was the more unnecessary, because the Branch, through the pulpit and the press, by its secretaries, and by all its agencies, spread before the churches and the public generally on that field the appeals for aid which came from the field occupied by the New York Society in all the Western and Southern and South-western states, and from the continent of Europe, and from missionary stations in the heathen world. These appeals, coming to the New York Society as they did every year, were furnished to every branch and auxiliary for them to spread before the churches, as a motive for contributing to the cause. No one seized them with more avidity, or used them with more effect, than the Boston Branch. They were incorporated into their annual reports and documents and circulars, and sent out to the churches, and freely used by the secretary and all the agents of the Branch in their public and private

appeals for funds. They were the staple of all the appeals of the Branch for more than a quarter of a century. Such appeals were made prominent by me when I was agent and secretary of the Boston Society in 1826, 1827, and 1828. And the reports and documents and history of the Boston Society show that they were so till the Branch withdrew in 1858.

[The counsel for the American Tract Society, Boston, objects to any reference to, or statement of, any of the contents of any written or printed document, without the production of the same.]

[The examination was here adjourned, pursuant to agreement, until 10 A. M. on Thursday, April 24th, A. D. 1862.]

I would refer to the Forty-second Annual Report of the Boston Society, pages 33 to 128, as a specimen of the appeals and communications of correspondents spoken of in the previous sentence. [This part of the Report is hereto annexed, and marked Exhibit H, J. E. M., Com'r.] This is a sample of portions of the Annual Reports of the Society at New York, printed there, and forwarded at the request of the Committee of the Boston Society for insertion in their Report, and corresponds essentially, if not entirely, with an equal number of pages of the Annual Report of the New York Society for the same year; and it contains a summary of correspondence received in the course of the year from the Society's agents and colporteurs, and from foreign missionaries and Christian friends abroad, and facts from various other sources. For many years it has been usual to forward similar reports to the Boston Society at their request. I might refer to ten or fifteen similar ones, but omit it to save time.

These appeals were to a great extent so presented as to bring the National Society directly before the churches, often without any allusion to the Boston Society. I have frequently presented appeals of this description in sermons myself to the churches on the Boston field, and in addresses before ecclesiastical bodies and other public assemblies in the states of Massachusetts, Maine, New Hampshire, and Vermont. When the American Tract Society was spoken of without special designation on that field, it was often understood to be the National Society.

Though the Boston Society usually made the collections on their field, some donations and collections were every year made directly to the Parent Society. Such was the harmony and identity of the Society and its Branch in their objects, that their officers and agents were quite indifferent as to the channel through which any donation flowed; it came essentially to the same treasury.

I have stated above that the New York Society was recognized as a national Society by the Convention at its formation; that it was called the National Society by the Boston Society in the resolution by which it became a Branch of the New York, and that it was repeatedly called the National Society in the Annual Reports of the Boston Society. I would now state that it is called the National Society in a resolution adopted by the Boston Society respecting dissolving its connection with the New York Society in 1858, as follows:

"*Resolved*, That the expediency of dissolving the connection between this Society and the National Society of New York be referred to the Executive Committee now to be chosen, to report next year."

The Society at the same time

"*Resolved*, That the Executive Committee be instructed to pay over no money to New York except for publications."

[These resolutions will be found on page 7 of the Forty-fourth Annual Report for 1858, now in the case, and marked Exhibit G, J. E. M., Com'r.]

[The examination was here adjourned until 10 A. M. of the following day, Saturday, April 26th, 1862.]

[Pursuant to adjournment, the examination was continued this 26th day of April, A. D. 1862, at 10 A. M.]

Int. 5. Please state your knowledge of the American Tract Society, Boston, its history, change of name, operations, and places of doing business before the date of the formation of the American Tract Society, New York.

Ans. In the autumn of 1821, I became a member of the Theological Seminary at Andover, Massachusetts. At that time the New England Tract Society had the seat of its operations in that town. I then became acquainted with its Corresponding Secretary, the Rev. Justin Edwards, and Amos Blanchard, Esq., its Treasurer, and with Rev. Drs. Ebenezer Porter and Leonard Woods, who were its founders; and also with Samuel Farrar and John Adams, who were among the founders; and Flagg and Gould, who were its general agents and printers. During my residence of three years at the Seminary, I also became acquainted with some of its publications and its mode of doing business. In the autumn of 1822, the Rev. William A. Hallock, on graduating at the Seminary, became the agent of the Society. For two years I was intimately acquainted with him and his labors for the Society, a portion of the time occupying the same room. The first circular that he wrote to the churches in behalf of the Society was written while we occupied a room together. Its publications at that time were issued on very coarse paper, without

engravings, and often without trimming. The object of the agent was to procure life-members to the Society, form auxiliaries, and to secure, as far as possible, the contributions of the churches. The Committee previous to that time had established small depositories in various places. This became an important part of the work of the Society. The Society continued to establish depositories in the principal towns in the New England states, also in the Middle and Southern and Western states to some extent. At that time the publications were sold at the rate of one thousand pages for a dollar. The usual mode of establishing depositories was to forward twenty-five dollars, or fifty, sometimes one hundred dollars' worth of tracts to a bookseller or other person in a given city or town, to be sold on commission, at a commission of ten per cent. The general agents or printers, Flagg and Gould, were authorized to forward from time to time to these several depositories, as they received orders. The Treasurer, Mr. Blanchard, furnished the paper to a considerable extent. As means came in, this mode of establishing and supplying depositories was continued and extended over the country. It was found, in extending the work south and west, that the name of the Society was prejudicial, or not as favorable as desirable. Mr. Hallock, in constant consultation with Dr. Edwards the Secretary, and other members of the Committee, formed the purpose of giving the Society a more general name; and in June, 1823, applied to the legislature of Massachusetts to change the name to that of the "American Tract Society," which was granted.

The Society was organized in Boston, and the seat of its operations changed to Andover in 1816, I think. It was known by the name of the New England Tract Society nine years.

The above mode of establishing depositories exhausted almost the entire resources of the Society. The number of depositories established previous to May, 1825, was, I think, about one hundred and thirty, and in some twenty of the states.

Some months after Mr. Hallock commenced his labors for the Society, a revision of the publications was commenced and the series revised; and from that time they were printed on better paper, and made more attractive by being trimmed, and with engravings sometimes.

The receipts of the Society increased, and in the year ending May, 1824, amounted to eight thousand three hundred and nine dollars; the aggregate receipts amounted to that; and in May, 1825, to ten thousand eight hundred and two dollars and forty-three cents.

Int. 6. What information can you give in regard to the formation of the American Tract Society, New York? and what was the object of forming a Society in New York with the same name as a Society already existing in Boston? and which was regarded by the other as the National or Parent Society, after the formation of the New York Society?

Ans. The American Tract Society, New York, had its origin in the New York Religious Tract Society, which was formed in that city in 1812. In 1825 it had issued one hundred and ninety-two tracts in English, fifteen in French, ten in Spanish, and seventy children's tracts, and had auxiliaries in several states. Its receipts for the year ending May, 1825, were five thousand dollars.

In August, 1824, this Society took into consideration the question of establishing in that city a National Tract Society, and became convinced that it was their duty to take measures to organize such an institution.

Four months afterwards, in December, 1824, they opened a correspondence with the Boston Society, which then had its centre of its business operations at Andover, Massachusetts, and proposed to the Boston Society to transfer the seat of its operations to New York. This correspondence led to a negotiation between the Boston Society and the New York Religious Tract Society, and Tract Societies in other places, which resulted in forming the plan of a national institution, distinct from both, to be located in New York. The Boston Society suggested conditions on which it might coöperate with the National Institution. These conditions were approved by the Board of the New York Religious Tract Society, and a constitution and a plan of a national society were mutually agreed upon by the New York Board, and by a delegation of the Boston Society.

At a preliminary meeting held at the City Hotel, New York, March 11th, 1825, preparatory to the permanent organization of the National Society, a report of these negotiations was presented, a constitution was read and adopted, and officers were elected to continue till the Society should be permanently organized. At this meeting a subscription was commenced, which resulted in obtaining twenty-five thousand eight hundred and twenty dollars for the purchase of a lot of land, and erecting a house for the use of the Society.

For some time previous to the above date, a negotiation and correspondence had been going on between members of the Committee of the Boston Society and gentlemen in New York in regard to the establishment of a National Tract Society; and assuming that such

a Society was to be established, a question arose whether it should be located in Boston or New York, which it was admitted must depend upon securing the funds for the building.

[The counsel for the American Tract Society, Boston, objects to any testimony as to the contents of any correspondence not produced.]

Immediately after the meeting referred to, the principal Tract Societies previously formed in the United States, including the Boston Society, were invited to send delegates to meet in convention in New York, May 10th, then ensuing, and participate in completing the needful arrangements for the permanent organization of the National Society. In accordance with this arrangement, the convention met in New York, May 10th, 1825, read and adopted the constitution agreed to in March, and recommended it for adoption as the constitution of the American Tract Society. The next day, May 11th, 1825, at a public meeting held at the City Hotel, New York, a view of the proceedings previous to the meeting then convened was presented and approved, and the Society was permanently organized as The American Tract Society.

The object, so far as I know from personal acquaintance and conversation at different times with Mr. Hallock, Dr. Edwards, and other gentlemen at that time, or about that time, was to concentrate the energies of all the friends of the several societies that had previously existed in the country, and the friends of the tract cause generally, in one national institution, composed of evangelical Christians. Their desire was to give to this institution a name which would be most appropriate and most acceptable throughout the country. Much conversation was had in relation to giving it the name of the National Tract Society, but it was on the whole preferred to call it the American Tract Society. Though no formal action was taken by the Boston Society, the conferences between gentlemen connected with the Boston Society and gentlemen in New York, gave the impression to those most active in the preliminary arrangements for the organization of the Society, and to the members of the Convention, that the Boston Society would, immediately on the formation of the Society, become a branch or auxiliary, and essentially identify itself with the National Society for all practical purposes. Such was their impression upon this subject,that they believed no essential inconvenience would arise to mar their operations from taking the name by which the Boston Society had been known for nearly two years.

On the day of its organization, May 11th, 1825, the Executive Committee appointed the members of its Publishing Committee a

delegation to attend the anniversary of the Boston Society, which was to be held on the 25th of the same month, and propose a union of the two Societies, in accordance with the conditions above referred to. This delegation was cordially welcomed by the Boston Society at the anniversary on the 25th; and at an adjourned meeting for business on the following day, May 26th, 1825, and after a full discussion of the subject, the following resolution was unanimously adopted by the Boston Society:

"*Resolved*, That it is highly desirable for this Society to become a branch of the 'National Society' established in New York, and that the Executive Committee be authorized to consummate the union upon such principles as will promote the great object of both Societies."

[This resolution is found on page 27 of "A Brief History of the American Tract Society, Boston," hereto annexed and marked Exhibit C, J. E. M., Com'r.]

On the same evening, May 26th, 1825, the Executive Committee of the Boston Society met to confer with the delegation from New York, and unanimously adopted the resolutions found on page 28 of the Brief History, Exhibit C, J. E. M., Comm'r. Those resolutions, frequently styled the terms of union, were accepted by the delegation from New York, and subsequently approved by the Executive Committee of the New York Society, and thus the union was consummated. The stereotype plates and engravings of the Boston Society were purchased by the New York Society, and the publication of the Christian Almanac and the Tract Magazine were transferred to the New York Society according to agreement, and all the other terms of union were fully and satisfactorily complied with.

This union was most harmonious. The object of the two Societies was one. The experience of more than thirty years of faithful and harmonious coöperation confirmed the belief that no essential inconvenience would arise from the two Societies having the same name. During this whole period their interests were so blended that each was ever ready to yield its own preference for the benefit of the other. Every advantage anticipated from this union was more than realized. The Societies were mutual helpers in accomplishing the great object which both had in view of spreading the great evangelical truths of the gospel throughout our whole country, and throughout the world. They had the coöperation of evangelical Christians of different communions in this work.

In regard to the last clause of the question which regarded the other as the National or Parent Society, the preceding resolutions of the Boston Society are perhaps the best evidence. From my per-

sonal recollection and observation, I would remark that from my first knowledge of the inception of the New York Society, it has been regarded and spoken of in all parts of the country as the National Society, and as the Parent Society during the whole period of its existence. Abundant evidence that the Boston Society regarded it and spoke of it as such, is found not only in the above resolutions, but in many places in their Annual Reports. Never in any instance did I know of the New York Society recognizing the Boston Society as the National Institution, or as the Parent Society.

Int. 7. Can you state any other instances, not before named by you, where the Boston Society have called the American Tract Society, New York, the Parent or National Society? if so, please point out specifically when and where?

Ans. In the Twelfth Annual Report of the Boston Society, page 7, line 31, the term "National Institution" occurs, as applied to the New York Society. In the Thirteenth Annual Report of the Boston Society, in 1827, page 11, twentieth line, the New York Society styles itself the "National Society." Page 13 of the same Report, fourth line from the bottom, the term National Society is applied to the New York Society by the Boston Society. Fifteenth Report, page 20, the words "National Society" are applied to the New York Society. Sixteenth Report, page 23, the term "National Institution" is applied to the New York Society. Same Report, page 5, the words "National Institution" are applied to the New York Society. On page 6 of the same Report the words "National Institution" occur twice, as applied to the New York Society. On page 9 also the words "National Institution" are applied to the New York Society. On page 12 the same words are so applied. In the Twentieth Report the words "National Society" occur twice on the tenth page. On the twenty-second page the same words are used. These are all the references that I have marked thus far. I should have more if I should go further perhaps, where the word "national" occurs as applied to the New York Society.

I will now refer to a few places in the Reports of the Boston Society, where the designation "Parent Society" is applied to the New York Society: Twenty-second Annual Report, page 4, about the middle of the page; page 5, near the top; page 15, near the bottom; page 18, near the middle; page 22, below the middle and near the bottom in two places; page 32, near the middle: Twenty-third Annual Report, page 4, about the middle; page 5, near the top, and three times on the same page; page 12, below the middle; page 22, near

the middle; page 23, near the top in two places: Twenty-fourth Annual Report, page 4, and page 8: Twenty-fifth Annual Report, page 56, top line and a little above the middle: Twenty-seventh Annual Report, page 5, near the top. These are all that I have marked.

I have stated above, I think, that I have never known the New York Society call the Boston Society the National Society or the Parent Society; and though I have read the Reports of the Boston Society, usually every year from 1825 to 1859, I have no recollection of seeing that in any of their reports they have styled themselves, or claimed to be a National Society by that designation, until the Report of 1859, in the preamble to the resolution formally withdrawing their resolution to become a branch of the New York Society, in the following words:

"Whereas, the American Tract Society in Boston was originally incorporated as a National Society, and afterwards by its own vote became a branch of the American Tract Society, New York; and whereas this Society, at its last annual meeting voted that greater energy and efficiency would be imparted to the tract system by a return to its original *status;* and whereas the experience of the year now closing has only served to confirm the propriety of this decision; therefore,

"*Resolved*, That the vote of this Society of 1825, that it become a Branch of the New York Society, be, and the same is, hereby rescinded, and that this Society now resume its original position as an independent national institution."

[This resolution will be found on the 3d page of the Forty-fifth Annual Report of the Boston Society, hereto annexed and marked Exhibit I, J. E. M., Com'r.]

I have before stated that the Boston Society was incorporated in 1816, by the name of the New England Tract Society.

Int. 8. After the union of these two Societies, what agency or interest had the Boston Society in the general publications of the American Tract Society, New York?

Ans. I have stated above that by the terms of the union the series of tracts issued by the Boston Society, one hundred and seventy-nine in number, I think, were to be taken as the basis of the series of the New York Society, with such alterations and changes as should be acceptable to the Publishing Committee at New York and the Executive Committee of the Boston Society. Dr. Woods of Andover, as will be seen in the first resolution of the terms of union, was appointed to act for the Committee of the Boston Society, to sanction said changes. He did so act, till the whole series was revised and approved in accordance with the terms of union, when his commission expired, which occurred in the course of the year 1826. From that

date the Boston Society ceased to act or take any official part in the publications of the Society at New York. Their interest was such as is common to other branches and auxiliaries and friends of the tract cause. They took a very deep religious interest in the operations of the Society and gave their efficient aid.

Int. 9. Where did these publications purport to be published, and by whom?

Ans. By the American Tract Society, New York, all bearing its imprint. Occasionally the address on some of the issues of branches and auxiliaries has been appended to the imprint or placed upon some portion of the cover. This pertains mostly to smaller publications, and to a very limited extent, and not at all to the great body of publications. When it has been done, it has been done mainly for the sake of advertising the locations of branches or auxiliaries.

Int. 10. How numerous were these publications, and how extensively circulated, especially in the commonwealth of Massachusetts?

Ans. The Society issued some two hundred tracts the first year of its operations, including several in French and Spanish, and has been adding to the number every year since, until now it amounts to nearly three thousand different publications, including between four and five hundred volumes of books. The aggregate number of volumes published exceeds sixteen millions; the number of tracts about two hundred and twenty millions; and also sixty or seventy millions of periodicals.

Of these the Boston Society has purchased nearly or quite five hundred thousand dollars' worth. A large portion of these have been circulated by the Boston Society in the state of Massachusetts; perhaps one half of their entire circulation has been in this commonwealth.

At the time I was connected with the Boston Society in 1827 and 1828, it was their endeavor to circulate tracts and books, tracts especially, in every parish in their field. They have been actively engaged in the same work since.

Int. 11. Were any similar publications issued by the Boston Society, or by any other society?

Ans. At the time the union was formed between the Boston Society and the New York Society, the Boston Society had on hand several thousand dollars' worth of tracts published at Andover. On removing their depository from Andover to Boston, for the sake of having their publications appear more attractive and more like those

of the New York Society, they procured from the New York Society a large quantity of covers for their tracts, which were put on in Boston. These were circulated as early as practicable, and from that time I have no knowledge of their having published or issued any other publications or tracts, except those of the New York Society. I perhaps should say, besides their reports and occasional tracts. I know of no other publications than these bearing the imprint of the American Tract Society?

Int. 12. What arrangement, if any, existed between the two Societies in regard to the collecting and disbursement of funds by the Boston Society?

Ans. I believe I have already stated that the Boston Society collected funds on its field for the general purposes on said field, and to aid the Parent Society in its work.

Int. 13. What amount of funds were by the Boston Society remitted to the New York Society, under this arrangement?

Ans. The precise amount I am unable to state; but they remitted from year to year in donations, from one thousand dollars a year up to nearly twenty thousand a year, for a period of some thirty years, to the total of some two hundred and forty or forty-five thousand dollars, and for publications about one half a million, during the whole period of the union.

[The examination was here, at 2 o'clock, Saturday, adjourned until 10, A. M., of Monday, April the 28th, A. D. 1862.]

[The examination was resumed pursuant to the adjournment, at 10 o'clock, A. M., on Monday, April 28th, A. D. 1862.]

The witness here desired and was allowed to make the following statement, before his examination was resumed:

The counsel for the Boston Society, in his kindness to help me, added the word "New York" to my testimony above, which I accepted at the time, not apprehending his meaning as I now suppose. To prevent misapprehension on his part, I will state that the word "New York" after the words "American Tract Society," is no part of the Society's name, or properly speaking, of its imprint, but only indicates its place of business. This I wish to have distinctly understood, wherever the word New York occurs in my testimony.

Int. 14. What knowledge have you in regard to the import of the name American Tract Society in the commonwealth of Massachusetts, and especially in the vicinity of Oxford and South Deerfield; and how the name was generally used and understood there, during the life of the testators?

Ans. My esteemed associate, the Rev. Dr. Hallock, who has been known as the mainspring of the tract operations of this country for nearly forty years, and myself are natives of Hampshire county, Massachusetts, where we resided twenty-one years, and where we have frequently been since, sometimes spending several weeks, often preaching in the churches, and sometimes in behalf of the Tract Society.

From September, 1822, to June, 1823, Dr. Hallock made extensive tours through the state, visiting the ministers and churches as an agent of the New England Tract Society. He continued his work for that Society after the change of its name, to May, 1825, and thus became extensively known to the ministers and churches throughout the state. It was afterwards known that he was particularly active in removing the principal seat of the tract operations from Andover to New York, as it was termed in those days.

On the formation of the American Tract Society in 1825, he was elected Corresponding Secretary, which office he has held to the present time. Since then his name, and with the exception of a few months, my name, have been associated with that Society in the minds of the ministers and churches extensively in Massachusetts, which Society, from 1825 to 1858, has been everywhere known as the American Tract Society.

From the knowledge which I have obtained in my intercourse with ministers and intelligent laymen in different parts of the state of Massachusetts, at different times during a period of thirty-seven years, (and I have often been in the state to attend meetings of ecclesiastical bodies and public meetings of various descriptions, and to preach in the churches in behalf of the tract cause,) it is clear to my mind that the simple name, "The American Tract Society," suggests to the people and is understood by them to mean the institution formed in 1825, which they have understood was formed to publish and circulate religious tracts throughout the country and the world, calculated to receive the approbation of all evangelical Christians: the institution which they have extensively known has been engaged in this work from the time of its formation: the institution whose claims have been brought before them in their churches and in other ways almost every year, and to which many of them have made liberal contributions: the institution which they have understood has in the course of these years appropriated more than half a million of dollars to aid the press in foreign lands; which appropriations have been divided among the missions of the various denomi-

nations sent from this country: the institution which for thirty years they have known has been in constant communication with the foreign missionaries of the American Baptist Union, the American Board of Commissioners for Foreign Missions, the Episcopal Board, the Presbyterian Board, the Reformed Dutch Board, the Free-will Baptist Board, and with various institutions and individuals on the continent of Europe: the institution which they have known has for twenty years been conducting an efficient system of colportage over our whole country; to which object the people in Massachusetts have been extensively called upon to contribute. From the formation of that Society till 1858, there was no other Society of that name which, in its independent character, was known to be doing that work over the country and the world, or which claimed to be doing it. That Society, among its branches, had one of the same name, which had the seat of its operations in Boston. But it did not pretend to be "The American Tract Society," which was known in its independent character to be engaged in carrying out this work as above described; it acknowledged itself to be a Branch of the American Tract Society which was doing this work, and was known to be such all over Massachusetts. This was well known, to my knowledge, in old Hampshire county, and I believe in Worcester county, which include South Deerfield and Oxford. When I came to Boston in 1826 to become an agent, about a year and a half after the Boston Society became a Branch, I found the people talking, and many of them with regret, that the Tract Society, to use their language, had been moved to New York. This was quite a common impression in Boston and at Andover, and in this vicinity generally. It seemed to be generally admitted in all this part of the country, that what had been regarded here as the principal Tract Society had been removed; the operations of the Branch during this year and a half had been comparatively feeble. The desire of the Committee at New York was that the best possible efforts should be made to revive its operations and secure the full sympathy and coöperation of the churches. On laying the plans of the New York Society before the Committee in Boston, and stating the changes which they had adopted in establishing depositories and in inaugurating and prosecuting their operations, the Committee of the Boston Society decided to relinquish essentially their system of establishing depositories. I proceeded under their direction to Salem, Newburyport, Portsmouth, Portland, and subsequently to various other places where depositories had been established, to receive what was due from them, and made the

best bargain I could with the bookseller or depositary, and thus closed the business. This was done extensively throughout the field of the Boston Society, comparatively a few only remaining.

After explaining the principles and plans of the New York Society to the Committee and the churches, in a very few months the prejudices which had existed in regard to what was called the removal ceased, and the churches gave their most cordial aid and cooperation for circulating tracts on their own field and assisting the New York Society.

This cordial coöperation continued while I was connected with the Boston Society directly, and from year to year during the whole period from 1825 to 1856.

I speak from personal knowledge of the coöperation of the Boston Committee in their intercourse and coöperation with the Committee of New York, and can say that they have been perfectly harmonious in carrying forward the one great work which they both had in view. We have always regarded this Committee as one with us, and been desirous of doing every thing we could consistently to encourage and strengthen them and their agents, making the Boston field the most productive in aid of the great work. I do not recollect a single instance during the period above named in which a question arose in regard to the claims or rights of the Boston Society.

In regard to the name, I was always particular, when there was any occasion, in public and private, to use the term Boston or New York, so that there might be no mistake; but I have very seldom met a clergyman or other person who could state accurately the true character and relations of the two Societies. I knew, and the Boston Committee knew, and doubtless many others knew, that the Boston Society was incorporated, and that its corporate name was The American Tract Society. This was probably known by more people about the time that it became a Branch, than in years afterwards; but so far as my knowledge and observation from intercourse with people extends, I do not think that it was ever generally understood by the great body of the people; and as its operations were so blended with the New York Society, less and less of the people had any distinct impression of the fact that it was an incorporated institution. Almost everybody, through the journals of the day and from other sources, noticing the term American Tract Society as applied to New York, they received the impression that that was the Society referred to when the name appeared.

For the first twenty years the Society at New York, by the name

American Tract Society, was almost uniformly spoken of in public and private and through the periodical press with commendation.

For the last seventeen years it has been the subject of more or less controversy, especially in religious journals; and it has been known all through Massachusetts that this controversy respecting the American Tract Society referred to the American Tract Society, New York, essentially.

Int. 15. Can you state the grounds upon which appeals were made within the field of the Boston Society for aid in carrying forward the work of foreign distribution, colportage, and other objects throughout the world, and how the facts were obtained by the agents of the Boston Society? And what disposition was made of the funds collected by them? And how far the harmonious operations of the two Societies depended upon the understanding that the surplus funds collected by the Boston Society should go into the treasury of the National Society?

[Objected to by the counsel for the American Tract Society, Boston.]

Ans. I believe I have already given some testimony on this subject; but I would state in brief that, so far as I know, the object of the Boston Society was the same as that of the New York Society, and that their appeals to the churches were usually made on the same grounds. They presented appeals more or less in regard to the occupancy of their own field, and also for the field of the New York Society. It was the object of the Committee at New York to furnish them with all the facts possible respecting the wants of the destitute in the south and west, and in foreign and heathen lands, which they used in making appeals to the churches. They made special appeals at some periods for foreign distribution, and at other periods for colportage for the south and west.

While the Boston Society remained a Branch of the New York Society, it was their uniform custom every year to forward to the New York Society their surplus funds, according to the understanding at the time the union was formed, either for foreign distribution or colportage, or for the general purposes of the National Society.

Int. 16. How were these funds, which were received from the Boston Society by way of donations, disbursed by the New York Society? State whether any separate account was kept or rendered by them of these particular funds.

Ans. It is the usual custom of the Assistant Treasurer to give a receipt for all funds received; and I think, if there is any particular specification accompanying the remittance as to the manner in which

the funds should be appropriated, he recognizes the specification in his receipt. Donations from the Boston Society, I presume, have all been receipted for in that way. No separate account has been kept of them, but the amount has been disbursed, so far as I know, in accordance with the request when made, as has been the case in regard to funds received from all the sources. If the funds have not been specified for any particular object, as colportage or foreign distribution, or for life-directors or members, it has gone into the funds for the general purposes of the Society.

Int. 17. Will you state, so far as you know, whether any account was ever rendered of the disbursement of the funds, or ever required by the Boston Society?

Ans. I don't recollect of any instance where any such requisition was made. We have always been accustomed to make a statement in our Annual Reports of the sources from whence our funds came, either in donations or for publications, for the public; but I do not recollect that we have ever rendered such a statement in the form of an account.

Int. 18. Will you state whether the money in your treasury is kept in one mass, or on separate accounts?

Ans. So far as I know, it is kept in one mass.

Int. 19. What do you know in regard to the Boston Society having the exclusive right of collecting funds for tract purposes within their field? Please state.

Ans. I think I have already stated that the Boston Society was expected to collect funds generally on their field, and the Committee at New York wished to encourage and aid them in doing it in every practicable way; but the question of their having the exclusive right of collecting, I do not recollect ever to have heard raised. Indeed I never heard it raised in regard to any of our great voluntary and benevolent institutions. In the year 1828, I went myself to Dedham, and obtained a hundred dollars from Doctor Burgess for the New York Society. Next year he remitted an equal sum. By keeping up communications with him from New York, we obtained from him two hundred dollars a year for four successive years, and have received frequent donations from him since. I also distinctly recollect that my associate the Rev. Dr. Hallock left New York, at the time when we were attempting to raise fifty thousand dollars for the volume enterprise, in 1836, I think, with a view of collecting five thousand dollars in New England before his return, which he succeeded in getting subscribed, a large portion of which was obtained in Bos-

ton. Also in other parts of the Boston field contributions were made. I am not aware that any objection was made by the Boston Society to these efforts. I also recollect other cases in the western part of this state, Hampshire county, where collections have been made at different times directly for the National Society.

Int. 20. How were legacies for the tract cause on the field of the Boston Society collected and disposed of? Please state your knowledge on the subject in detail.

Ans. So far as I know they were usually received by the Boston Society, the same as they received other donations. It was the understanding, I think, and the wish that they should receive them, as it was convenient, and helped to swell the amount of their receipts and operations for the year. And it was always gratifying to the Committee at New York, to have the operations of the Branch appear as large as practicable.

I recollect some cases in which the executors or administrators advised the Society at New York of legacies from the Boston field left to "The American Tract Society," which they inferred, simply from the name, belonged or were intended for the New York Society.

[The counsel for the American Tract Society, Boston, objects to evidence of the contents of any writing or letters, without the production of the same.]

One such case was that of a Miss Waldo of Worcester, which, on communication with the Boston Committee, it was thought best they should receive; especially as the testator had been accustomed to contribute to the Boston Society.

So far as I know, they have been disposed of generally in the same manner with other donations received by the Boston Society.

Occasionally legacies on the Boston field have been made directly and specifically to the New York Society, and paid directly to their treasurer.

Int. 21. Will you explain the character of the other Societies named by the testators in connection with these two bequests?

[Objected to by the counsel of the American Tract Society, Boston.]

Ans. In the will of Mr. Elnathan Jones of Oxford, there is a bequest of one thousand dollars to the American Bible Society; one thousand dollars to the American Board of Commissioners for Foreign Missions; to the Home Missionary Society, one thousand dollars. These are all recognized as national and voluntary institutions of kindred character with that of the American Tract Society.

In the will of Mr. Luman Pease, there is a bequest to the Ameri-

can Bible Society, the American Tract Society, to the American Board of Commissioners for Foreign Missions, the Home Missionary Society for the state of Massachusetts, and the Education Society for the state of Massachusetts. The American Bible Society and the Board for Foreign Missions are recognized as national institutions. The Home Missionary Society for the state of Massachusetts is a state society.

Int. 22. Will you state whether these societies which you have named as national societies have branches or auxiliaries in the different states, and to what extent? State briefly.

[Objected to, as above.]

Ans. They all have. The American Bible Society has branches or auxiliaries in almost every state in the Union. The American Board of Commissioners for Foreign Missions has county or other auxiliaries in the New England states, and in the Middle states, and to some extent in the Western states, I think. The American Home Missionary Society has state branches in most of the New England states, and auxiliaries or agencies elsewhere, in the Middle and Western states.

Int. 23. What cause led to the withdrawal of the Boston Society from its connection with the National Society? State briefly.

[Objected to, by the counsel for the American Tract Society, Boston.]

Ans. Alleged dissatisfaction with the New York Society in regard to publishing tracts touching the evils of slavery; and in relation to the election of its Publishing Committee.

Int. 24. How did the New York Observer stand affected as to the fact or the cause of the separation of the Boston Branch from the American Tract Society? State briefly.

Ans. I believe the New York Observer sustained the National Society, and disapproved of the action of the Boston Society in seceding or withdrawing.

Int. 25. What can you say in regard to any arrangement, understanding, or practice of the New York Society, in regard to consulting the Boston Branch in the appointment of its Publishing Committee?

Ans. It has been the usage of the New York Society to reëlect its Publishing Committee each year, unless a vacancy occurred by death or resignation. At the formation of the Society the Rev. Justin Edwards of Andover, who was at that time the Secretary of the Boston Society, and who had been more active than almost any other member of the Committee, and who had taken a very deep interest in the

formation of the National Society, was elected on the Publishing Committee This occurred two weeks before the anniversary of the Society at Boston, at which it became a branch of the New York Society; and at which time he declined a reëlection as Secretary of the Boston Society, and also retired from their Executive Committee, I think.

When he resigned on account of ill-health, the New York Committee conferred with members of the Boston Committee and other gentlemen in reference to the election of his successor from the Congregational church, and the Rev. Samuel Green was elected in his place.

The same course was pursued on the death of Mr. Green, in relation to his successor the Rev. Dr. Fay. They were both elected with the understanding that it would be acceptable to the Boston Committee and to the friends of the Society in the Congregational church.

Upon the resignation of Dr. Fay in 1839, the Rev. Justin Edwards was reëlected. I am not sure whether any consultation was had with the Boston Committee in reference to his reëlection. At his death, the Committee conferred with the members of the Boston Committee in relation to his successor: Dr. Adams was elected, and he has been reëlected in the usual way with other members of the Committee till the present time.

The subject of the election of the Publishing Committee was not in any form before the meeting in Boston when the terms of union were agreed upon. The custom of conference with the Boston Committee in regard to the election of the Congregational member of the Publishing Committee was altogether an informal matter. It was mutually agreeable between the two Committees, and was done for the sake of cultivating and preserving peace and harmony and good will towards each other in all their work, and not on account of any agreement between the Societies on the subject.

The Executive Committee, which includes the Publishing, Distributing, and Finance Committees, are by the constitution elected by ballot by the Board of Directors, which by usage includes the President, Vice-presidents, Secretaries, Treasurer, and thirty-six elected Directors, and all the Life-directors who may be present at any meeting for the purpose.

The course which has been pursued by the Society each year, has been to have this election in connection with the anniversary of the Society, in accordance with the direction of the constitution.

Int. 26. Upon the Boston Society becoming a branch of the New York Society, will you state what became of their auxiliaries and depositories without the limits of the restricted field of the Boston Society?

Ans. The auxiliaries were united to some extent with the New York Society, and others ceased their operations. There is frequent reference, I think, to it in the Annual Reports of the Boston Society, but I have no places marked.

The Boston Society was of course entitled to the depositories, and they settled their accounts with the Boston Society; but in a short time they all disappeared, the New York Society occupying the ground, and many depositories were established, but on an entirely different basis.

Cross int. 1. When did your residence at Andover terminate? and where did you reside immediately thereafter?

Ans. In the autumn of 1824. I went immediately into the state of New Hampshire, and spent nearly a year in visiting the churches in behalf of the American Board of Commissioners for Foreign Missions, residing usually one week in a town. Then, October, 1825, I went directly to New York, as agent of the American Tract Society, which was my first visit to New York.

Cross int. 2. You were not then present, as I understand, at any of the interviews or meetings to which you have referred in your direct testimony in the spring of 1825, in which the union between the New York and the Boston Societies was the subject of conversation or arrangement.

Ans. No, I was not present in New York at any of them, nor ever in Boston.

Cross int. 3. Were you connected with either of said Societies until October, 1825?

Ans. I was not.

Cross int. 4. Were you a party to any of the correspondence that took place previous to the union of the two Societies?

Ans. I was not, but I had the privilege of seeing some of the correspondence.

Cross int. 5. Have you then any personal knowledge whatever of the history of the union of these two Societies; of what was or was not understood or agreed upon at that time, or of the arrangements and interviews preliminary thereto?

Ans. I have no knowledge from being present, as I stated above,

but have had a very full opportunity of direct personal information, received from the individuals who were present and who took a part in these meetings.

Cross int. 6. Will you name the persons to whom you refer?

Ans. William A. Hallock, Arthur Tappan, Moses Allen, James Milnor, S. V. S. Wilder, Esq., Richard T. Haines, James C. Bliss, and others. Drs. Milnor and Bliss are not now living; I believe all the others are.

Cross int. 7. Were these gentlemen all officers of the New York Society?

Ans. They all were elected at the first election of officers of the Society. Those were persons who were engaged in these interviews in New York. I could name those who acted for the Boston Society who were present at the formation of the union—Dr. Woods, Dr. Justin Edwards. I had information of these movements in New York from the Rev. Dr. Church of Pelham, New Hampshire, who was a member of the Committee of the Boston Society, while at his house, through correspondence with Mr. Hallock.

Cross int. 8. When was the arrangement made by which the field of the Boston Society was limited to the territory which you have already stated?

Ans. Previous to the union, Mr. Hallock had been the Agent and Assistant Secretary of the Boston Society. When I came to Boston in 1826, it was understood that Rhode Island and Connecticut preferred to coöperate directly with New York, and also Berkshire county in Massachusetts and the western part of Vermont. So far as I recollect, and I have a very distinct recollection about it, I was frequently asked on this field—[objected to as not responsive by the examining counsel]—where the dividing line was between the Branch and the Parent Society, but was unable to give a definite answer, but replied usually that each church could contribute as they preferred. I have never known of any formal definite arrangement further than I have stated.

Cross int. 9. During the two years you were agent of the Boston Society in 1826, 1827, and 1828, was it not understood that all collections for the Tract cause on the Boston field were to be made by that Society? and, so far as you know, was not that understanding respected and carried out?

Ans. That was the general understanding in the sense that I've specified in my testimony; and it was generally respected and carried out. I frequently received funds for the New York Society; I

also went into their field sometimes to collect. As illustrating my position as agent of the two Societies, on one occasion I met the General Convention of Vermont at Montpelier, and in addressing them I stated to them that I was Secretary of the American Tract Society, Boston, and General Agent of the American Tract Society, New York, and that those clergymen who resided on the west of the Green mountains, and whose churches coöperated with the Society at New York, might consider what I should say as coming directly from New York; those on the east side might consider what I should say as coming directly from Boston, and they could make their contributions as they preferred.

[Objected to by the examining counsel as not responsive.]

Cross int. 10. After you ceased to be Secretary of the Boston Society, and became an officer, agent, or secretary of the New York Society, can you specify a single instance wherein an agent of the New York Society solicited funds for that Society within the field of the Boston Society, except the instance of the subscription to the volume fund to which you have referred?

Ans. I have done it frequently myself, and our agents have been on this field repeatedly. Our secretaries have been on the field also frequently, and made collections for the New York Society for other purposes than the volume fund; but this is not a common thing at all: we have always preferred, as a general thing, to make the collections in connection with the Boston Society, and to have the funds come through the treasury of the Boston Society.

Cross int. 11. Whenever you or other officers of the New York Society have collected funds within the field of the Boston Society, has it not been at the invitation or with the consent of the latter?

Ans. Not always by invitation, and never when there was an objection, that I know of. Our intercourse was always such that we never did any thing, so far as I know, but what was mutually agreeable.

Cross int. 12. According to your understanding, could the agents of the Boston Society fairly go into the field of the New York Society, and make collections therein for the Boston Society, without the invitation or consent of the New York Society?

Ans. I should think not; but I don't know that any question ever arose about it, or any case of the kind ever occurred.

Cross int. 13. After you became connected with the New York Society as Secretary in 1832, could the New York Society have had

an agency of its own within the field of the Boston Society, without a violation of the understanding between the two Societies, as it then existed?

Ans. I should think not. We had got our lines pretty definitely fixed by that time, and the rule and understanding was fully recognized by the Societies and churches.

Cross int. 14. Please state as definitely as you can how often you visited Massachusetts after 1832, and presented the Tract cause therein.

Ans. I recollect distinctly that I spent two or three months in 1832 in presenting the subject in Boston and the vicinity. I am not able to state definitely how often I have presented the Tract cause in the churches, but I visited Boston and other portions of the state more or less almost every year. I have several times attended the meetings of the General Association of Massachusetts in different places, and presented the Tract cause. I have also preached in several churches in the western part of the state.

Cross int. 15. In what towns, and when, have you preached in the western part of the state in reference to the Tract cause?

Ans. I cannot state the time. I preached in quite a number of towns in Berkshire county. I think I presented the cause in Sunderland and Leverett. I have not done much of late years, and have forgotten the old times when I used to go there.

I do n't recollect when I was in Sunderland.

Cross int. 16. What is the town in Hampshire county of which you are a native, and to which you referred in your direct testimony?

Ans. Amherst.

Cross int. 17. How long since you alone, or with Dr. Hallock, have visited said town and preached there in behalf of the Tract cause?

Ans. I believe it is about four years ago that I visited there with him; I should think it was seven years since I preached there in regard to the Tract cause in two churches the same day, and the college chapel besides. I have presented the Tract cause there at other times previously, but I could n't tell how long before. I have been up there often.

Cross int. 18. Upon how many different occasions within the last thirty years have you presented the Tract cause in Amherst or the county of Hampshire, excepting the instances stated in your last answer?

Ans. I am unable to tell. Not very many times.

Cross int. 19. Previous to this controversy, were the names of

these two Societies ever the subject matter of conversation between you and others?

Ans. Yes.

Cross int. 20. State when and where?

Ans. Always and everywhere would be the most direct answer that I could give to that question. Perhaps I do n't understand the question immediately preceding this. The names of these two Societies is a subject on which Dr. Hallock and I have conversed repeatedly in New York and Boston and elsewhere with each other; and I have conversed more or less about the names with the members of the Committee in New York, and the members of the Committee in Boston, with clergymen in Massachusetts and in many other states, and laymen and ladies.

Cross int. 21. Previous to this controversy, did you ever hear a single layman of Massachusetts say that he did not understand that the name of the Society at Boston was the American Tract Society? if so, who, when, and where?

Ans. I do n't recollect of any particular man who stated that just in that form to me.

Cross int. 22. Can you say that previous to this controversy you ever heard any layman of Massachusetts say that he did not understand that the name of the Society at Boston was the American Tract Society, or that he was not in the habit of referring to it in that way? The question does not ask the witness to answer as to the precise words, as is supposed in the last answer.

Ans. I do n't recollect of any layman who has spoken to me in that form, either before or since the controversy; but in conversation with gentlemen on the subject, I have seldom met with any who could state definitely the relations of the two Societies. So far as my conversation with gentlemen has occurred on this subject, they have not stated negatively that they did not understand or refer to this Society as the American Tract Society so frequently as they have shown in other ways a want of definite knowledge on the subject.

[Objected to by the examining counsel as not responsive.]

[The examination was here adjourned until 10 A. M. of Tuesday, April 29th, A. D. 1862.]

[Pursuant to adjournment, the examination was resumed at 10 A. M. of Tuesday, April 29th, A. D. 1862.]

Cross int. 23. Was not the indifference to the tract cause which

you found to exist more or less in Massachusetts in 1826, owing to the feeling that the Tract Society of Boston was to be merged in the Tract Society of New York? and were not your efforts directed more or less to correct this impression?

Ans. In trying to recollect the precise impression made upon my own mind at that time, I call to mind the fact that for eighteen months from the time that Mr. Hallock left the agency of the Boston Society, they had no travelling agent to bring the tract cause before the churches, which was one reason of the diminution of the receipts during that year and a half. I also recollect that there were objections to the removal, as it was called, because it took away the business of printing from the general agents, and particularly of folding and stitching of the tracts from many poor women at Andover. I recollect also that some of the ministers and people had strong prejudices against the change, partly because of their apprehensions in relation to the evangelical character of the publications; but I think the stronger feeling in relation to the matter arose from the fact that the principal seat of the tract work, as they had considered Boston and this vicinity, for this country, had been removed to New York. I have no recollection that objections were made particularly because the Society was to be merged in the New York Society. My object and effort was, as I have already testified, to explain the principles and plans of operation and character of the New York Society, with a view to assure the people in connection with this Society, and as far as possible in this state, of the efficient and economical and wise management of the Society at New York, and of the sound, evangelical character of their publications, and thus to remove all the prejudices that then existed or had existed, and bring the churches into full and cordial coöperation with the Society at New York, and with the coöperation of the excellent Committee of the Boston Society, consisting of Rev. Dr. Fay, John Tappan, Esq., William Ropes, Esq., the late Rev. Dr. Wisner, and the late Rev. Samuel Green: these efforts were essentially successful.

Cross int. 24. Did or did not the position and character which the Boston Society was to continue to maintain as a distinct Society, notwithstanding the arrangement between the two Societies of 1825, constitute in any degree a topic of explanation or address with you while you were the Secretary of said Society?

Ans. I can't call to mind any particular instances at this moment of special conversation or communication in regard to that point, but I presume that I did converse with the Committee, with other gen-

tlemen, clergymen and laymen, on that topic, because it was my purpose, as far as in my power, and in accordance with the wishes of the Committees of both Societies, to make its true and proper position fully known ; and I think it likely that I did this also in public.

Cross int. 25. Have you any doubt that you did do so also in public ?

Ans. I do n't recollect any particular case. I presume I did. It was perfectly in accordance with my habit to do so, and I 've no doubt I did.

Cross int. 26. Did you not find, on coming here in 1826, that misapprehension existed more or less in reference to said topic ?

Ans. I found, so far as I recollect, a want of definite knowledge on the subject. I should think there was misapprehension to a considerable extent.

Cross int. 27. Were you not, while Secretary of the Society in Boston, in the habit more or less of presenting its claims to the Massachusetts public ? and did you not endeavor, by public and private appeals, to awaken an interest in the religious community here in behalf of the efficiency and prosperity of said Society, and endeavor to create a personal interest in the same ?

Ans. Yes, sir, I was ; and I think I did.

Cross int. 28. Did you not frequently, in public or private, solicit or encourage persons to become life-members or life-directors in the same ?

Ans. I think I did ; life-members. My impression is that there were no life-directors then in the Society.

Cross int. 29. Did not the Boston Society while you were connected with it have, and has it not always since, so far as you know, had a large and important work within its own field of gratuitous distribution of publications, colportage, and so forth ?

Ans. It has always had an important work, but I should n't say that its gratuitous distribution was very large. Its work of colportage for many years was quite active and useful, and also its volume agencies.

Cross int. 30. Has it not purchased annually a large amount of publications of the New York Society ?

Ans. I have stated in my testimony that it has.

Cross int. 31. Has the Boston Society been under any control or limitation as to the amount of funds which it should collect or expend ?

Ans. I am not aware that it has, except what is common to other

societies, besides what is involved in the terms of union as to its relations with the New York Society.

Cross int. 32. By those terms of union, has the Boston Society been under any control or limitation as to the amount of funds which it should collect or expend? if so, please state what terms, and where the same are to be found?

Ans. I never considered that the terms of union involved any control of the Boston Society as to the aggregate amount it should collect or expend; but there has been a mutual understanding between the Branch and the parent Society, that the Boston Society would use all diligence to make collections, and after expending a reasonable amount, and such as would be regarded so by both Committees, they would pay the surplus to the New York Society.

Cross int. 33. Have you any personal knowledge of any such understanding as that referred to in your last answer, except what you may have derived from the fact that the Boston Society have donated every year more or less to the New York Society for tract operations?

Ans. I have no knowledge of any formal or written agreement between the Societies upon the subject; but from personal and intimate communication with the founders and Committee of the New York Society, and for many years with the Committee of the Boston Society and their Secretary during the whole period of the remittance of these donations, I have understood from them that these payments were made in accordance with the mutual understanding referred to in my last answer.

[The examining counsel objects to this answer as not responsive, as the question asks specifically for the personal knowledge of the witness, and not for matters of hearsay.]

Cross int. 34. Has the Boston Society ever donated funds to the New York Society without specifying the particular objects to which they were to be applied?

Ans. I think they have in some cases.

Cross int. 35. Is your recollection distinct and positive about that? or is it merely an impression?

Ans. I have no doubt of it, though I can't specify now the particular date or amount without referring to the records.

Cross int. 36. Do you mean to testify that it is now a matter of actual recollection with you that the Boston Society ever made a donation of its funds to the New York Society without specifying the particular objects to which it was to be applied?

Ans. I do, according to the best of my recollection and belief.

Cross int. 37. Will you please to state how numerous those instances have been, and when they severally occurred?

Ans. I cannot tell how numerous they have been, and I have already stated that I cannot specify from recollection the particular time, nor can I now state the amount.

Cross int. 38. Have you any recollection that there was more than one such instance? If so, please give us your best recollection as to the number, if you have any recollection in reference to it.

Ans. My impression is, according to the best of my recollection, that there has been more than one; but I've already stated I cannot tell how many. I think that most of the donations, especially in the large sums, have been specified for foreign distribution and colportage; but not having kept the accounts or given any particular attention to the examination of the remittances, I am obliged to say I have no confidence in my own recollection as to the number of donations that have not been specified.

Cross int. 39. Were you the officer of the New York Society to whom the donations made by the Boston Society were remitted, or to whom the correspondence covering the same was addressed, or who receipted for said donations?

Ans. Our Assistant Treasurer, O. R. Kingsbury, is the person to whom, by direction of the Committee, remittances are to be made, and he receives and receipts for remittances, unless absent. If at any time I have receipted for funds that came from any quarter, it has been because of his absence. I am not the officer to whom remittances are usually made, though I usually see letters that come into his hands, but not always; and I have no responsibility about entering donations or acknowledging them.

Cross int. 40. Previous to the present controversy, has the New York Society ever made claim to any legacy given by a testator residing within the field of the Boston Society, to "The American Tract Society?"

Ans. I don't recollect of any case.

Cross int. 41. Previous to the present controversy, was it ever claimed or pretended by the New York Society that legacies given by testators residing in Massachusetts, within the field of the Boston Society, who had been life-members of, or habitual contributors to such Society, belonged or were intended to belong to the New York Society?

Ans. We have always regarded whatever was given to the Bos-

ton Society was given for the great object which the two Societies were engaged in promoting ; and such was their mutual coöperation that the Committee at New York regarded it unessential whether legacies on the Boston field were paid directly to them or to the Boston Society. And I do not recollect that any question of differences on the subject ever arose, or that they ever made any claim to any legacy on the Boston field which was given to "The American Tract Society" simply.

Cross int. 42. Previous to 1858, in the judgment of the New York Society, did not a legacy given to "The American Tract Society" by a testator residing in Massachusetts within the field of the Boston Society, who had been a life-member of, or habitual contributor to said Society, belong to the same?

Ans. I would remark that I do not think being a life-member of, or habitually contributing to the Boston Society had any bearing at all in the judgment of the Committee at New York. In regard to a legacy, I think that in the judgment of the Committee at New York such legacy belonged to the Boston Society in the same sense that other donations did. The usage in regard to a legacy, where there was no particular specification of the use to be made of it, ordinarily was, that when there was no special need in the Boston Society for the immediate use of it, it was remitted to New York in whole or in part, according to the best of my recollection.

I think there was one case in which, on its receipt by the Boston Society, as they were in need of funds for the payment on their house, they communicated with us, specifying that as a reason why they could not then remit said legacy.

[The examining counsel objects to any statement of the contents of any such communication without the production of the same.]

Cross int. 43. When the Boston Society remitted to the New York Society the whole or portions of legacies received by them, did they not remit them as donations to the New York Society, specifying the particular objects to which they were to be applied?

Ans. They were remitted, so far as I know, the same as other remittances; sometimes as donations for special objects, sometimes in payment for publications.

Cross int. 44. Were the funds received by the Boston Society from legacies, and which in whole or in part were donated to the New York Society, remitted specifically or in common with the funds of the Boston Society derived from other sources?

Ans. My impression is that there was no distinction made generally.

Cross int. 45. Was not the collection and receipt of funds by the Boston Society within its own field from donations, legacies, and otherwise, a matter of absolute right in said Society? or was it merely owing to the forbearance and indulgence of the New York Society?

Ans. We always considered, so far as I know, that the Boston Society, being an incorporated institution, had a legal right to the funds that came into its treasury; but that its terms of union as a Branch of the National Society laid it under a moral obligation to remit in donations to the New York Society such portion of its funds as were not needed for use on its own field, to be used for the legitimate objects of the New York Society, according to the principles on which it was understood at the time the union took place they were both based.

Cross int. 46. Did the Boston Society ever surrender the moral right to make such expenditure within its own field for tract purposes as it should deem best, or to select the objects for which it should make donations for tract operations beyond its own field?

Ans. I refer in my last answer to the obligations involved in the terms of union as they were understood at the time the union was formed, and were acted upon and carried out by the Boston Society during the period of its connection with the New York Society from 1825 to 1858. Other than these obligations, I have not considered it as surrendering any moral right, so far as I now know.

Cross int. 47. Did the Boston Society, by any obligations imposed upon it within your knowledge in the terms of union, surrender the moral right inquired of in cross-interrogatory 46?

Ans. The question of right, moral or legal, never arose, to my knowledge, between the Committees. The Boston Committee were uniformly governed by the law of love in all their transactions with the New York Society. I don't know that, properly speaking, it would be considered a surrender of any moral right, but I do consider that if they had ceased to make vigorous efforts to secure means and to aid the National Society essentially as it did, it would have been considered as a violation of the understanding between the two Societies.

Cross int. 48. So far as you know, did not the Boston Society always exercise the right to determine what amount of its funds

should be expended within its own field? and to what objects beyond its own field its donations should be applied?

Ans. So far as I know they did, and their action was entirely in accordance with the principles of the terms of union and with the principles and wishes of the New York Society.

Cross int. 49. Where a testator residing within the field of the Boston Society made a legacy to "The American Tract Society, established in New York," or by other special designation specified the New York Society, who claimed and received said legacy?

Ans. So far as I know, there was never any question about it; it was paid directly to the New York Society.

Cross int. 50. Has it not always been the understanding that one member of the Publishing Committee of the New York Society should be selected from the Congregational denomination in New England, in whose nomination the Committee of the Boston Society should concur? and was not such the invariable practice until 1856?

Ans. At the time of the formation of the New York Society, there was a strong desire on the part of the friends and officers of the Boston Society, that the Congregational churches should be represented on the Publishing Committee. Dr. Hallock urged it very much. At a preliminary meeting of the Executive Committee before the formal organization of the Society, a vote was passed pledging the members present to use their influence to have an arrangement made, by which the Committee of the Boston Society should nominate the Congregational member, the chairman dissenting from the vote. At a subsequent meeting of the Committee, when a larger number were present, including the Rev. Dr. Milnor and Dr. Spring, who were not present at the former meeting, that vote was reconsidered. At the same time it was resolved to propose that Dr. Justin Edwards, then Secretary of the Boston Society, should be added to the Publishing Committee. He was so added at the formal organization of the Society, May 11th, 1825.

His appointment gave universal satisfaction in New England and elsewhere. I am not aware that there has been any other action on the subject, and of course no action whatever since the formation of the Society. I was not present at any of these meetings referred to.

[Objected to by the examining counsel, as being purely hearsay.]

I think it has been the understanding, especially in the earlier history of the Society, that the Congregational member of the Committee should be selected from New England; but not in any such sense that, in the changes which have taken place by the great in-

crease of the Congregational denomination in the Middle and Western states, it would now be considered any violation of the understanding if a member should be selected from the state of New York.

In accordance with the mutual good understanding on this as on all other subjects, we have felt it due to the Boston Society, to confer with the Boston Committee in relation to any change in regard to the member of the Publishing Committee from the Congregational denomination. We have so conferred in every case of the election of a new member, and have had in every case their concurrence. I have never understood that there was any agreement or understanding that the B ston Committee should concur; but such were the mutual relations and usages of the two Societies, that we have always regarded it as important to secure their concurrence in such appointment, and it has been done in every instance.

Cross int. 51. Was it not one of the arguments or reasons employed by you in 1826, '27, and '28, as Secretary of the Boston Society, to allay any apprehensions in regard to the evangelical character of the publications to be issued by the New York Society, that there was this understanding by which one member of their Publishing Committee was to be selected from the Congregational denomination in New England, satisfactory to the Boston Committee? And that thus the Boston Society had and always would have a veto upon any publications of which it or said member did not approve?

Ans. I have no recollection of using that argument at all; and if I did speak on that subject, as it is most likely I did frequently, it is probable that I referred especially to Dr. Edwards, who was known and highly esteemed, having the confidence of the ministers and churches extensively in New England, as a member of said Publishing Committee in whom they could have the utmost confidence.

Cross int. 52. Did you not also make any statement as to how it would be in the future, according to the understanding between the two Societies, in case of the death or resignation of Dr. Edwards?

Ans. I do not recollect whether I did or did not; but if I did I am confident that I never said or intimated that his successor must, by the understanding, have the concurrence of the Boston Committee. I do not recollect of having heard of the question of such concurrence by the Boston Committee being raised, till within the last six or eight years.

Cross int. 53. So far as you know, was it the understanding at

the time of the arrangement between the two Societies in 1825, that the Boston Society should purchase and distribute within its own field the publications of the New York Society?

Ans. It was.

Cross int. 54. Was it according to that understanding that the Boston Society were to purchase and to distribute publications in the character of which they had no voice or control, or which might be obnoxious to said Society?

Ans. The Boston Society as a Society, and its members as individuals, had all the grounds for confidence in regard to the character of the publications to be issued, that any branch or auxiliary, or any portion of the community had. Prominent members of the Boston Society, including their Executive Committee, had taken a very deep interest in the formation of a National Society. They had before them, at the time the union was formed, the Rev. Dr. James Milnor, the Rev. Dr. Gardiner Spring, the Rev. Dr. Charles G. Sommers, and their own Rev. Dr. Justin Edwards, members of their Publishing Committee elected but two weeks previously, and they knew that each of those men, who were entitled to as much confidence as any living men, had a veto power on what should be published; they also knew that, by the terms of union then adopted, the series of one hundred and seventy-nine tracts which had been published by the Boston Society, were to be taken as the basis of the series of the new Society, with such changes or alterations as should be acceptable to the said Publishing Committee in New York and their own Executive Committee, which constituted as good a guarantee as reasonable men could desire. [Objected to by the examining counsel, as not responsive.] And if with such guarantees, for the Boston Society to enter into an understanding to purchase and distribute the publications of the New York Society, was to enter into an understanding to purchase and distribute publications in the character of which they had no voice to control, which might be obnoxious to said Society, then, according to my best knowledge and belief, the Boston Society did enter into such an understanding.

The Committee of the New York Society, according to the best of my knowledge and belief, did decline to grant to the Boston Society power of controlling the election of any member of the Publishing Committee about the time of the formation of the Society; and they have declined to grant such power at any time since to said Society, or to any other Society.

Cross int. 55. Were not the terms of the arrangement between

the two Societies settled before the New York Society appointed its Publishing Committee?

Ans. I think they were not. The Publishing Committee of the New York Society were elected on the 11th of May, 1825; the terms of union were agreed upon on the 26th of May, in the same year.

Cross int. 56. You have said that the New York Society refused to grant to the Boston Society the power of controlling the election of any member of the Publishing Committee: please state whether or not the Boston Society agreed always thereafter to purchase and distribute, and to make donations of their funds for the purpose of purchasing and distributing publications of the New York Society, whether such publications should meet the approval of the judgment and conscience of the Executive Committee of the Boston Society, or should be contrary thereto?

[Before answering this question, the witness desired to hear his answer to the 54th cross-interrogatory; and after it was read to him, desired to make the following statement:

Instead of the following in answer to the 54th cross-interrogatory, "And they have declined to grant such power at any time since to said Society, or to any other Society," I should have said, that "they have since, so far as I know, taken no action on the subject, but have declined to grant such power to any other society."]

Ans. The terms of union between the Branch and the New York Society were adopted, according to the record, on the 26th of May; the arrangement was accepted by the Committee at New York on the 31st of May, and the terms were complied with; and the Branch and Society entered into immediate and harmonious coöperation, which continued for nearly a third of a century; and I am not aware that any action has been taken on the subject since.

Cross int. 57. Will you now please answer the question already put, namely, Whether or not the Boston Society, at the time of the arrangement or union between the two Societies, then agreed that it would always thereafter purchase and distribute, and make donations of its funds for the purpose of purchasing and distributing the publications of the New York Society, whether such publications should meet the approval of the judgment and conscience of the New York Committee, or should at any time be contrary thereto?

Ans. I know of no agreement upon the subject except that contained on pages 28 and 29 of "A Brief History," [heretofore annexed, marked Exhibit C, J. E. M., Com'r,] and, according to the best of my knowledge and belief, there has been no other agreement on the subject, so far as I recollect.

Cross int. 58. Do said pages in Exhibit C contain all the terms of the agreement and understanding upon which the Boston Society agreed to the arrangement or union with the New York Society?

Ans. So far as I know, they contain what has been recognized as the terms of agreement into which the Societies entered at the time of the union, and which have been their guide in their coöperation.

Cross int. 59. What personal knowledge have you as to the particular appeals to the public which were made by the agents or representatives of the Boston Society for the collection of funds within its field, after your connection with the same ceased?

Ans. Since that time I have preached and made addresses some forty or fifty times myself on the Boston field. [Objected to, as not responsive.] I was acting for the Boston Society then. I have heard the Rev. Mr. Bliss preach and make addresses on the subject many times, I do n't know how many; and it was customary for Mr. Bliss to repeat the same sermon Sabbath after Sabbath, frequently for several years. I have heard the sermons of other agents of the Boston Society somewhat similar, and which have been used in a similar way. I have also seen and read many circulars and documents that have been forwarded from New York to persons on the Boston field.

Cross int. 60. What publications relating to the subject of slavery have been issued by the New York Society since 1858?

Ans. The Society have recently issued a small volume entitled, "The Enormity of the Slave-trade, and the Duty of Seeking the Moral and Spiritual Elevation of the Colored Race." This is perhaps the only volume which may properly be said to relate to the subject of slavery. Several articles have appeared in the Messenger at different times on the slave-trade, the marriage institution, the elevation of the colored race, nationality, and other articles.

Cross int. 61. Was the article on the marriage institution in whole or in part directed towards a discussion or exposition of that institution among the slaves?

Ans. It does refer to it in part.

Direct resumed int. 1. In your cross-examination you speak of being informed by the officers or agents of the Boston Society of the proposed union with the New York Society: will you state more definitely the time, and whether contemporaneously with that transaction or not?

[Objected to generally, and because the testimony to which this question refers was not properly responsive to any question put upon the cross-examination, and was objected to by the cross-examining counsel.]

Ans. Being intimately acquainted with Mr. Hallock when he was connected with the Boston Society, and having correspondence with him, I obtained considerable information from him upon the subject; also being acquainted with Dr. Wisner and Mr. Green of this city, and some other members of the Committee here, on my way to New York I obtained more or less information in relation to the formation of the union. My information was mostly subsequent to the formation. My information from Dr. Church respecting the proposed union was previous to the formation of the National Society, or of the union between the two.

Direct resumed int. 2. On cross-examination you speak of having preached in several towns in Western and Central Massachusetts in support of the Tract cause; can you name any others in which you so preached?

Ans. I preached in several churches in the city of Worcester. I was there twice. I also addressed the church in Belchertown. I preached in Hadley and Northampton, but I do n't recollect whether I preached on the Tract cause in those places; I preached on the subject in Pittsfield at one time; at two different times in Lee in Berkshire county, Stockbridge, Great Barrington, Sheffield, Egremont, and several other towns in that county; I can't recall them all.

Direct resumed int. 3. You stated on cross-examination that misapprehension existed in 1826 in regard to the true state or relation of the Boston Society to the New York Society: will you state what that misapprehension was? and whether it continued? and how long?

Ans. My impression is that this misapprehension was in a good measure removed in the course of a few months. I can't distinctly recollect any one topic or any one point of misapprehension which was prominent, other than what I have already mentioned. At that time I should think there was some lack of confidence among some classes of the people in the management of the affairs in New York, and want of knowledge of the truly evangelical character of the New York Committee, which was soon removed upon becoming acquainted with the publications of that Committee.

As to the distinct relations between the two Societies, this being a Branch and that the principal Society, was not entirely agreeable to the people generally; but I think, as this Society was revived and

extended the circulation of publications of the New York Society, which were much more attractive than those which had been circulated by the Boston Society, and the operations became vigorous, I think those misapprehensions or prejudices disappeared; but it was always difficult to make the people understand and state distinctly these relations. I've seldom known a clergyman undertake to state the relations, that he did not make some mistake.

Direct resumed int. 4. Do you, or not, intend to say that all misapprehension in regard to the relations of the New York Society to the Boston Society was removed in the course of a few months after 1826? By misapprehension I mean, not prejudice, but mistake, misunderstanding, a failure to comprehend fully or to state intelligently the true relations between the two Societies.

[First clause of the question objected to for form.]

Ans. I did not intend to state that all misapprehension in regard to the relations of the two Societies, as in the question, was removed; but I referred to the prejudice or want of sympathy and readiness to coöperate.

Direct resumed int. 5. Will you state whether any mistake or misunderstanding in regard to the true relations of these two Societies existed among the people of Massachusetts in 1826; and if so, how long the same continued?

Ans. At the time that I came here there was very great want of distinct information and apprehension in regard to the precise relations of the two Societies, and it continued to some extent in the field of my labors, and on that point, I think has continued more or less up to the time of the withdrawal of the Branch.

[The examination was here (quarter past 6 o'clock of Tuesday) adjourned until 10 o'clock A. M. of Wednesday, April 30th, 1862.]

[Pursuant to adjournment, the examination was resumed at 10 o'clock of the morning of Wednesday, April 30th, 1862.]

Direct resumed int. 6. You have been inquired of on cross-examination in regard to life-members of the Boston Society: will you state whether any life-members of the Boston Society ever claimed to be life-members of the New York Society in consequence? and if so, to what extent this misapprehension has existed?

Ans. There have been such cases; and frequent inquiries upon that subject have been made all along through the history of the Society; more frequently, according to the best of my recollection, within a few years past. I cannot tell to what extent. It's often

been made known by their claiming the annuity of tracts usually allowed life-members of the Society.

Direct resumed int. 7. You have been inquired of on cross-examination in regard to the colportage of the Boston Society: will you state what proportion of the expenditure of that Society for colportage has been upon its own field? and whether that Society has furnished the entire support of colporteurs assigned to it off its own field? and how far these colporteurs were under the direction of the Boston Society?

[Objected to, because the witness was examined and testified on direct examination with reference to the matters inquired of.]

Ans. I do not recollect to have been inquired of, or to have testified in regard to the question, and would state that, according to the best of my knowledge and belief, the Boston Society has expended about one-fourth as much for colportage on its own field as on the field of the New York Society.

Their contributions to the New York Society have usually been intended for the payment of the salary, or a portion of the salary of the colporteurs who have been assigned to them, or whose reports and correspondence have been forwarded to them. This has usually been only about one-half the expense attending the support of said colporteurs. These colporteurs were commissioned by the New York Society, and entirely under their direction, the Boston Society not having any control over them.

Direct resumed int. 8. You have been inquired of on cross-examination in regard to legacies to "The American Tract Society" going into the treasury of the Boston Society: can you state any special reasons why that course was acquiesced in by the New York Society? how far that course was implied by the terms of union; and how the expectation of receiving the surplus funds of the Boston Society was in any way connected with such acquiescence?

[Objected to as leading, and because the subject matter was inquired of and testified to by the witness in the twentieth direct interrogatory and answer.]

Ans. So far as I know, the understanding in the terms of union has been our principal guide in regard to legacies going into the treasury of the Boston Society, as in regard to other donations; but I do not recollect of any special reasons other than those which governed the Society in regard to its general operations. We have always understood that the contributions, whether from legacies or otherwise, which were made to the Boston Society, so far as not

needed in their particular field of labor, would be forwarded in donations to the parent Society; and while this understanding existed and was acted upon, as it was, so far as I can recollect, until about 1858, the New York Society cheerfully acquiesced in legacies on the Boston field, which were not otherwise specified, going into the treasury of the Boston Society.

Direct resumed int. 9. Can you state more fully the demands made by the Boston Society upon the New York Society in regard to the subject of slavery, and the reasons why the New York Society did not accede to them?

[Objected to generally.]

Ans. In reply to the question, I would refer to the action of the Boston Society on the subject, as found on the fourth page of their Forty-second Annual Report, [hereto annexed, and marked Exhibit K, J. E. M., Com'r. It is understood, and was so understood at the production of the previous Exhibits, that only the portions referred to in the answer of the witness were intended to be put into the case by the party offering the same, and not the whole report or paper in which those portions were; and this will be understood hereafter, unless the contrary is stated;] viz.:

"*Whereas*, The Executive Committee of the American Tract Society at New York, at its recent anniversary, declared that 'there are certain aspects of the subject of slavery, and of the duties and evils connected with it, in which it might be hoped that evangelical Christians North and South would agree,' therefore,

"*Resolved*, That, in our opinion, the Executive Committee of said Society will be only meeting the wishes of their supporters, the exigencies of the times, and the high demands of Christian duty, in the practical adoption of this declaration, and in the speedy publication of tracts which shall bear upon this as upon other sins.

"*Whereas*, The American Tract Society at Boston is historically the Parent Tract Society of this country, having existed eleven years prior to the organization of the American Tract Society at New York; and whereas—embracing the chief Christian elements of the four New England States—it has a deep interest in, and should exert a powerful influence upon the measures adopted for the publication and distribution of a religious literature; and whereas the matter of the publication of tracts and books is now wholly in the hands of the Society at New York; and whereas, although there is no organic connection between these two Societies, the operations of the Society at New York are sustained largely by the funds of the Society at Boston; therefore,

"*Resolved*, That the Executive Committee of this Society be, and hereby are, instructed to confer with that of the Society at New York, and endeavor to effect such an arrangement that the Congregationalist member of the New York Publishing Committee shall hereafter be nominated by this Society, and report the result of their conference at the next annual meeting of this body, or at a special meeting to be duly called for that purpose."

And also to the response to said action, found in the Forty-third Annual Report of the Boston Society, page fourth, in a letter signed "John Knox, Chairman; William A. Hallock, Corresponding Secretary;" viz.:

"At the stated meeting of the Executive Committee of the American Tract Society, New York, March 16, 1857, a communication was received from the Executive Committee of the American Tract Society at Boston, enclosing a resolution of that Society, instructing them to endeavor to effect such an arrangement, that the Congregationalist member of the Publishing Committee of this Society shall hereafter be nominated by the American Tract Society at Boston.

"The Committee, having given the subject the attention due to their esteemed brethren, the Committee and members of the American Tract Society at Boston, who have cordially, harmoniously, and efficiently coöperated with this Society for thirty-two years from the time of its formation, were unanimously agreed that such an arrangement with any institution or body extraneous to this Society, for the election of a member of the Publishing Committee, from whatever ecclesiastical communion or denomination, would be at variance with the Constitution of this Society, and with the free action of the Board of Directors in electing that Committee.

"A true copy from the Minutes.

"JOHN KNOX, CHAIRMAN.
"WM. A. HALLOCK, COR. SEC.

"NEW YORK, March 17, 1857."

And also to the action of the Boston Society in the preamble and resolution at the bottom of the same page, including three lines on the next page, [which are hereto annexed, and marked Exhibit L, J. E. M., Com'r,] viz.:

"*Whereas*, It was understood by those who were active in effecting the union between this Society and the American Tract Society in New York, as happily set forth in a brief history of this Society and its relations to the Society in New York, recently published by this Society, (p. 41,) that the wishes of the Society in Boston would be duly regarded in the election of their Publishing Committee;

"Therefore we would respectfully suggest to the New York Society, that it would meet our wishes should they elect annually one of the members of their Publishing Committee from the Executive Committee of this Society; and that a copy of this vote be forwarded to the Board of Directors of the Society in New York."

And also to a letter in response to the said action of the Boston Society, found in the Forty-fourth Annual Report of the Boston Society, page 5, being a letter from William A. Hallock, Corresponding Secretary, and addressed to the Rev. Seth Bliss, Secretary, [hereto annexed, and marked Exhibit M, J. E. M., Com'r,] viz.:

"NEW YORK, May 20, 1858.

"REV. SETH BLISS, Sec.: My dear Brother—At the annual meeting of the Board of Directors of the American Tract Society on the 12th inst., as soon as the President called the Board to order, (prayer having been previously offered,) Rev. Dr.

Sommers, our Recording Secretary, rose at the President's side to read to the Board your letter containing the action of the American Tract Society at Boston in May last, which was addressed to our Board. At that moment the Rev. Dr. Bacon, standing in front of Dr. Sommers and not seeing him, called for said letter, and it was read in a loud voice by Dr. De Witt, when Dr. Bacon nominated President Hopkins, in place of Rev. Dr. Nehemiah Adams, as a member of the Publishing Committee.

"The ballot then proceeded, and as the result the President announced that the whole Committee, including Dr. Adams, had 367 votes, and that President Hopkins had 56 votes.

"With esteem, your brother in Christ,

"WM. A. HALLOCK, Cor. Sec."

I do not recollect that any formal demand upon the subject was made by the Boston Society other than what is referred to in the above Exhibits. In regard to the election of officers as requested, the New York Society endeavored to proceed in strict accordance with the principles of their Constitution.

In regard to publishing more fully upon that subject, the New York Society, in its whole history, have felt that the principles of the Society required them to pursue such a course that they might be able to extend the circulation of their publications in all the states. For many years their system of colportage has been very widely extended in the slave-holding states, and they have deemed it inconsistent with the general design of the Society to issue such publications as in their judgment would be likely to close the door against their operations in that large and needy field; and they did not feel at liberty to comply with any demands which in their judgment at that time would prevent the circulation of their publications on that field.

Cross int. 62. Was it not the practice, more or less, under a friendly mutual understanding between the two Societies, for such life-members of one Society as could more conveniently for any reason receive from the other Society their annual perquisite of tracts, to do so? and were not such deliveries of tracts charged in the accounts of the two Societies, and accounted for to each other?

Ans. There were such accounts kept to some extent by mutual arrangement; but in this way, by calling frequently, it was found that such persons did not know that there was more than one Tract Society, and if so, did not know of which they were members; and there were many cases in which members of the Boston Society supposed they were members of the National Society. At one of the Society's anniversaries in New York, when the members were admitted by ticket, a clergyman came with his certificate of life-member;

ship from the Boston Society, and claimed that he was a member, by virtue of said certificate, of the New York Society.

[All of the above answer, except the first clause thereof, is objected to as not being responsive to the question.]

Cross int. 63. Have you any personal knowledge of the circumstance referred to in your last answer in reference to the clergyman? Did he present this certificate to you, and make this claim?

Ans. He did, at the door of the church, and I found my own name on it; he sent for me to come out.

Cross int. 64. When was this?

Ans. May, 1858.

Cross int. 65. Previous to 1856, did any person ever claim to you, or in your hearing, that because he was a life-member of the Boston Society, he was also a life-member of the New York Society?

Ans. I think that very many persons have expressed to me their impression that they were, and a great many have inquired of me whether they were not; all this was before 1856. This is an impression that I have on my mind, that has run along through the whole history of the Society. It has come up so frequently, that I do not know that I ever noted a single case. I do not mean to be understood that this is a general thing with life-members of the Boston Society, but I mean that a good many cases have occurred.

ORNAN EASTMAN.

[Pursuant to adjournment, the examination was resumed at 9½ o'clock, A. M., of Saturday, June 7th, 1862.]

TESTIMONY OF HENRY B. HOLMES.

Int. 1. What is your name, age, residence, and occupation?

Ans. Henry B. Holmes; 54; Belvedere, Illinois; minister.

Int. 2. Will you state whether, and how long you have been connected with the Boston Tract Society? and in what capacity? And where you have resided since you left that employment? and whether you have been much in New England since that time?

Ans. I was General Agent of the Society for 15 years, from August, 1840, to about the 1st of October, 1855. Since I left that employment I have resided at Belvedere, Illinois. I simply returned for my family six years ago last March, and have not been in New England since, until now.

Int. 3. Will you state how, during your connection with the Bos-

ton Society, tract operations in the country were conducted? and by what Society principally? and what part the Boston Society took therein? State, if you please, briefly the relations between the Boston Society and the New York Society.

Ans. The tract operations in the country were conducted by the American Tract Society at New York, and the Tract Society at Boston was an auxiliary or branch of that Society.

Int. 4. Will you state what was the extent of the field of operations of the Boston Society?

Ans. When I became connected with the Society, it was Maine, New Hampshire, Vermont east of the mountains, and Massachusetts with the exception of Berkshire county. Berkshire county was after a time connected with this field, and I think Western Vermont, but I am not sure as to that.

Int. 5. Will you state how the Boston Society made collections and performed work beyond these limits, during your connection with that Society?

Ans. Not at all, that I know of. Sometimes we exchanged labor, that is, some of the agents or secretaries of the New York Society might assist me a Sabbath, and then I would assist them a Sabbath.

Int. 6. Will you state whether the Boston Society, during your connection with it, expended all the funds collected by it upon their own field? and if not, what disposition was made of them?

Ans. They did not expend all their funds on their own field; and the surplus was paid over to the Treasury at New York, to the American Tract Society at New York.

Int. 7. Will you state to what extent you were employed, during your connection with the Boston Society, throughout the field of the same, in soliciting the contribution of funds to the cause? and upon what grounds, briefly, and for what objects, you solicited such contributions?

Ans. My duties were to collect funds, and my labors were for the most part confined to this state, Massachusetts, outside of this city, and with the exception of Franklin county. I visited county conferences, and performed some labor in Maine and New Hampshire and Vermont, but my specific field of labor was what I have stated.

The grounds were the great tract work done by the Society at New York: the objects to diffuse a Christian literature over the entire country, and in foreign lands.

Int. 8. Will you state how far you urged considerations to induce

such contributions, connected with the wants of, and implying the necessity of expenditure upon the Boston field exclusively?

Ans. Very little.

Int. 9. Will you state whether you have any recollection of presenting these claims for contribution to the cause in the towns of Oxford and South Deerfield, Massachusetts, or either of them? and if you can recollect what particular views you there presented? State as minutely as your recollection will enable you to do.

Ans. I have no recollection of presenting the claims of the Society in South Deerfield, but spent several Sabbaths in Oxford. I spent a Sabbath in Oxford in 1841, in 1843, in 1844, in 1845, in 1847, in 1853, and in 1854. In the year 1843, in answer to the question, "Just see what has already been effected, and from such small beginnings," I stated to that congregation, that in 1799 the London Tract Society was organized; in 1814 our own American Tract Society was organized in Boston, and became auxiliary to the Society organized in New York in the year 1825. In the most of my appeals to that congregation for pecuniary aid in behalf of the Tract Society, those appeals were based on the work prosecuted by the Society at New York. One appeal to the congregation was based on what the Society at New York was doing in colportage; and another appeal to the congregation was based on what the Society at New York were doing in behalf of foreign lands. I illustrated to the congregation the different features of colportage by the facts and incidents in the labors of colporteurs all over the country; and this was the course I pursued from year to year.

Int. 10. Do you recollect whether you preached, and how often, if at all, in the towns near Oxford and South Deerfield? State generally.

Ans. I presented the claims of the Tract Society frequently in most of the churches in the vicinity of Oxford, in Worcester, Millbury, Grafton, Webster, Sutton; and I could go on as long as you want me to.

Int. 11. Will you state what agency the Boston Society had, if any, in colportage without the limits of their own field? or in the foreign tract operations of the New York Society, beyond the mere fact of paying over money to that Society for those objects?

Ans. Not any that I know of, with this exception: for a time the Boston Society performed a work of colportage in Canada East.

Int. 12. Will you state whether, during your connection with the Boston Society, that Society claimed that the New York Society

were acting in any sense, and in what sense, and to what extent, if any, as their agents or trustees in regard to any portion of the foreign tract work, or the work of colportage beyond the limits of the field of the Boston Society?

Ans. The Boston Society never claimed any such thing, to my knowledge. I never thought of it, and never heard of it.

Int. 13. Will you state, as far as you can recollect, during your connection with the Boston Society, how far its auxiliary relation to the New York Society, as before stated by you, was known and understood throughout the state of Massachusetts? and how the Boston Society was spoken of and denominated in the state of Massachusetts generally? and what was understood by the term, "The American Tract Society" simply?

[The first clause of this question is objected to, as leading.]

Ans. To the best of my recollection and belief, it was generally so understood, and I labored earnestly in that direction, in order to secure liberal contributions from the churches. The benefactions of the churches were in response to the work prosecuted by the New York Society over the entire country. We could have secured but very small contributions from the congregations in view of the work performed on the field of the Boston Society.

The Boston Society was generally denominated and spoken of as the Branch or a Branch, it was *the* Branch, the main Branch of the New York Society; there was no other auxiliary that yielded such returns as this. "The American Tract Society" simply, was understood to be the Society at New York.

Int. 14. In writing or speaking of the Boston Society during this period, throughout the state of Massachusetts, what form of expression was in most common use, according to your best recollection?

Ans. Simply the Tract Society at Boston.

Int. 15. What will you say to the same inquiry in regard to the New York Society?

Ans. The American Tract Society at New York.

Int. 16. Can you state what was understood generally by contributors to the tract cause within the limits of the Boston field, as to the ultimate destination of their contributions?

(Objected to, as incompetent.)

Ans. Many of the patrons of the Tract Society would specify that their contributions were to be expended in the work of colportage in the West. When not so specified, it was understood that the col-

lections would go to promote the general objects of the Society. [The counsel for the American Tract Society, New York, here remarked, "You do n't state what Society."] I mean the work of colportage by the Society at New York.

Int. 17. Will you state how the contributions of the Boston Society to foreign tract operations were made, and what agency that Society had in their expenditure? and what connection the Boston Society had with foreign tract operations, during the period of your connection with it?

Ans. To the best of my recollection, Dr. Hallock, one of the Secretaries of the Society at New York, would communicate to the Rev. Mr. Bliss, the Secretary of the Boston Society, that the Committee in New York had had before them the subject of appropriations for pagan and foreign lands, (this was the usual form, I think,) and that the Committee at New York had proposed to raise a certain amount; and inquiring what part of that amount this Society could raise. The Committee of the Boston Society would take action on that communication, and propose to raise what proportion of it they could, and then in our appeals to the churches we would state the general fact, and what part of that sum we desired to raise on this field.

Int. 18. Will you state whether the Boston Society had any other agency or correspondence, as far as you know, during your connection with that Society, in regard to the foreign tract operations of the American Tract Society, New York, beyond what you have stated in your last answer? and if so, what?

Ans. Not any, so far as I know.

Int. 19. Will you state under what name or denomination, if you recollect, the sums paid by the Boston Society to the New York Society for colportage and foreign missions were made?

Ans. I do n't understand the question.

Int. 20. The same question repeated with the words, "whether as a payment or donation, or in what form?" added.

Ans. As a donation.

Int. 21. Will you state what communication was made by the New York Society, if any, during your connection with the Boston Society, to persons or associations on the field of the Boston Society, in regard to colporteurs in the West and South-west, who received their salaries from patrons on the field of the Boston Society? and what agency the Boston Society had in appointing, commissioning, or controlling these colporteurs? and which Society these colporteurs were regarded as belonging to by the Boston Society?

Ans. My recollection is very distinct on that subject. An individual on the field of the Boston Society contributing $150, to support a colporteur at the West or South-west, a colporteur would be named to him whom he might consider as sustained by him; and that patron would usually have extracts from the quarterly report of that colporteur forwarded to him through the Boston Society. That was all the connection.

Those colporteurs were employed by the Society at New York, and all their accounts were rendered there.

The Boston Society had no agency in appointing, controlling, or commissioning these colporteurs, and they were regarded by the Boston Society as belonging to the Society at New York.

Int. 22. In your last answer, do you mean to be understood that the reports of colporteurs came directly to the Boston Society? and if not, what was the course of communication?

Ans. In my last answer I mean to say that the reports of colporteurs on the New York field came directly to the Society at New York, and such extracts or portions of these reports as it was supposed would interest the patron were forwarded to the Society at Boston to be sent to these patrons.

Int. 23. Were any, and if so what portions of the reports of the New York Society in regard to colportage and foreign distribution transferred by the Boston Society to their reports? and what use was made of these portions of the reports of the New York Society by the agents of the Boston Society in their appeals to the churches upon their own field for contributions?

Ans. Some of the entire Annual Reports of the New York Society would be sent to this Society, and a certain number would be sent in sheets to the Society, to which the Annual Report of the Boston Society would be prefixed, and the facts contained in the whole report would be used, and were used by the agents on this field in their appeals to the churches for funds. All these portions of the Reports of the New York Society in regard to colportage and foreign distribution were so transferred to the Reports of the Boston Society.

Int. 24. Will you state what disposition the Boston Society, during your connection with it, made of their surplus funds, if any such they had?

Ans. To the best of my recollection, those funds were paid over as donations to the Society at New York.

Int. 25. Can you state how far this practice of the Boston Society was known and understood by contributors to that Society?

Ans. To the best of my recollection and knowledge, it was generally understood. The prosperity of the Boston Society grew out of the work as prosecuted by the Society at New York. Our appeals to the churches were based on the work that Society was doing.

Int. 26. How far were the Boston Society, during your connection with it, in the habit of consulting or deferring to the wishes of the New York Society in regard to tract operations generally? and how far did they maintain an independent position and action in regard to such operations?

Ans. To the best of my recollection, the Committee of the Boston Society uniformly deferred to the views of the Committee at New York; and whenever any new item of business was brought to the notice of the Boston Committee, their first inquiry uniformly was, how far it would meet the views and wishes of the Committee at New York.

The union between the two Societies was so perfect that I have no recollection as to any independent position or action taken by the Boston Committee.

Int. 27. Will you state how far the Boston Society, during your connection with it, obtained their publications from the New York Society, and to what extent they felt at liberty or disposed to obtain them elsewhere?

Ans. To the best of my recollection and knowledge, the Boston Society obtained their publications entirely from the Society at New York, with the exception of the supply of English Bibles usually kept in the depository; and so far as I know, the Boston Society never thought of obtaining their publications from any other source.

Int. 28. Will you state whether, during your connection with the Boston Society, you ever heard any thing said, and if so, what, in regard to a field of labor being assigned to the New York Society?

Ans. I never heard of such a thing. The American Tract Society at New York was the Society for the entire country, and a particular field was assigned to this Society.

Cross int. 1. Where did you reside during the period of your connection with the Society in Boston?

Ans. A part of the time I resided at West Brookfield, a part of the time at Auburn, in Worcester county, and a part of the time at Andover.

Cross int. 2. You say that you were the general agent of the Bos-

ton Society: please state what your duties were a little more particularly?

Ans. I was one of the general agents of the Society, and my particular duties were to visit the churches and individuals to secure their benefactions for the Tract Society. During the last eight years of my connection with the Society, that is to say, during my residence at Andover, I attended to the duties more or less in the office of this Society, and was expected to have more or less charge of colportage in the field of the Boston Society, and assist the secretary generally.

Cross int. 3. How much of your time was spent in Boston?

Ans. During the last eight years of my connection with the Society, all the time that I was not off visiting the churches, usually a considerable part of each week, was spent in Boston.

Cross int. 4. Were you ever a member of the Executive Committee?

Ans. No.

Cross int. 5. Please state what tract operations, if any, were conducted by the New York Society in the field which you have described as the field of the Boston Society?

Ans. With the exception of the assistance sometimes of secretaries or agents of the New York Society in visiting the churches on this field to secure funds, I do not know of any other operation of the New York Society on this field.

Cross int. 6. Is this the friendly exchange of labor between the agents or secretaries to which you referred in your direct testimony?

Ans. Yes.

Cross int. 7. By whom were tract operations conducted on the field which you have described as the field of the Boston Society, with the exception which you have above stated?

Ans. By the Boston Society.

Cross int. 8. Were not these operations conducted by it as an independent and distinct organization? Was it under the control or direction of, or responsible to any other body for its operations therein?

Ans. The Boston Society conducted its own operations, not controlled by any other. It had a distinct and legal charter of its own, but there was a moral relation, auxiliary relation sustained by this Society to the Society at New York, and to the best of my recollection the question was never raised as to independence. The simple idea I have in my mind was the one tract work for the world, carried

forward by the Society at New York, and aided by this Society. There certainly was a sense in which the Boston Society was independent, for I was not responsible to the Committee at New York, but to the Committee in Boston; and yet the whole operation was conducted as auxiliary to the Society at New York: this is as it lies in my mind.

Cross int. 9. Please state definitely wherein the Boston Society was independent, and wherein it was not independent, but was auxiliary to the New York Society in the tract operations conducted by it within its own field?

Ans. It was independent in the employing of its own agents and colporteurs; it was independent in making grants of publications on its own field. It was only auxiliary to the Tract Society at New York in conducting its operations on its own field, in conforming to the general principles of the Society at New York in conducting its operations, in the prices of publications; and then it was auxiliary to the Society at New York in paying over its surplus funds to that Society.

Cross int. 10. Which Society was the elder? Was not the Boston Society in operation within the territory you have described as its field and elsewhere before the New York Society was formed? and were the principles upon which it conducted its operations within its own field ever changed to conform to those adopted by any other Society? and if so, when and in what particular?

Ans. The Boston Society was in operation before the New York Society was formed. To the best of my belief, if the principles of the Boston Society required to be changed to make it conformable to the principles of the New York Society, they were so changed, but I have no knowledge on that point.

Cross int. 11. In answer to the ninth cross-interrogatory, you said that the Boston Society was independent on its own field in the employment of agents and colporteurs, and in making grants of publications; do you mean to say that these were the only particulars in which it was thus independent? Was it not independent in every respect so far as its operations in its own field were concerned?

Ans. My answer to that question would be, in one sense independent, and in another sense as a matter of understood moral obligation, not independent.

Cross int. 12. State your personal knowledge as to every particular in which it was not thus independent; and also as to when and

by whom this dependence or obligation to the New York Society was created?

Ans. If I understand the question as to what is implied in *personal* knowledge, I should say that I have none. I came into the work of the Tract Society, gaining an understanding of what I supposed to be the principles and operations of the Society, and labored on with that understanding.

Cross int. 13. During your connection with the Society, was any change made in any principle upon which its operations were conducted within its own field?

Ans. I do not recall any change of principle. There were changes in its method of operations. For instance, to illustrate my meaning, at one time the publications of the Society were furnished to pastors for sale on commission; it was soon found that that operation was disastrous, and that operation ceased.

Cross int. 14. By whom was this change?

Ans. By the Committee of the Boston Society of course.

Cross int. 15. During your connection with the Boston Society, did they make any report to the New York Society of their operations in their own field further than was made to the public generally in their Annual Reports? or any account of the amount or of the mode in which funds collected by them were disposed of? and were they under obligation to furnish any such report or account?

Ans. The only answer, according to my recollection, that I can give to that question is this, that the Society at New York were kept apprized of the operations of this Society. This Society rendered no account to the Society in New York in any such sense as being held legally responsible by the Society at New York; but there was a mutual understanding and a moral obligation existing, which implied that the operations of the Boston Society would be conducted in good faith, and in conformity to the principles of the New York Society.

Cross int. 16. Did not the same obligation exist in the New York Society?

Ans. If that question implies that the Society at New York could not make any change in their operations without the leave of this Society, I should answer, No.

Cross int. 17. Was not the New York Society under the same obligation as the Boston Society to conduct its operations upon those principles which by mutual understanding were common to both Societies?

Ans. My answer to that question would be, according to my best belief and knowledge, that the National Society at New York felt at liberty to conduct their operations as they regarded best calculated to promote and secure the objects for which the Society was formed, and every auxiliary was expected to conform to their course of action, and not the National Society at New York required to conform to the action of the auxiliary Societies; that is the best answer I can give to that question as it lays in my mind.

Cross int. 18. Did not the Boston Society have the same liberty to conduct its own operations within its own field in such mode as it should regard best calculated to promote and secure the objects of the Society?

Ans. Not independent of that moral obligation which was created by the Boston Society becoming a branch of the New York Society; that is what I mean.

Cross int. 19. Did not the Boston Society have a constitution of its own previous to the existence of the New York Society? and also during your connection with the Boston Society?

Ans. Certainly.

Cross int. 20. Was or was not that constitution obligatory upon the officers or representatives of the Boston Society in conducting the operations of said Society?

[Objected to, as asking the opinion of the witness as to a matter about which it is not competent for him to testify.]

Ans. I should say, Yes.

Cross int. 21. Suppose any principle adopted by the New York Society in reference to its tract operations was repugnant to the constitution of the Boston Society, were the officers of the Boston Society, according to your understanding of their relations and obligations, bound to conform to such principle, in violation of their own constitution, in conducting the operation of the Society within its own field?

[Objected to.]

Ans. As an abstract question, I should answer, No; but at the same time I regard the question as wholly inapplicable to the condition of the Societies as they existed during my connection with the Boston Society. I have been absent from the field of the Boston Society's labors between six and seven years, and I have no knowledge of the operations of the Societies only as they existed during my connection with the Boston Society; at that time a vexed ques-

tion between the Societies would have been very much like friction between husband and wife.

[Two o'clock, Saturday, pursuant to agreement, the examination was adjourned until half-past nine A. M. of Monday, June 9, 1862.]

[Pursuant to adjournment, the examination was resumed at half-past nine o'clock A. M. of Monday, 9th June, 1862.]

Cross int. 22. Please designate and point out any agreement made by the Boston Society, if you can, wherein they bound themselves to be under the control of the New York Society, so far as their operations within their own field were concerned?

Ans. I do not know of any specific contract or agreement to that effect, but I am sure that there was an understanding that the operations of the Tract Society on this field would harmonize with the views of the National Society; and I am confident that this was the understanding of the Boston Committee, from my frequent interchange of views with them, being present generally at the meetings of the Committee, acting as clerk for the secretary; and from the fact that I was authorized by the Committee to attend colporteur conventions held at Cleveland, Ohio, Chicago, Ill., St. Louis, Mo., Cincinnati, Ohio, Richmond, Va., and Rochester, N. Y., that I might be better prepared to present the tract work to the churches as prosecuted by the National Society.

Cross int. 23. Please state any instance within your personal knowledge wherein the Boston Society departed from any previous practice, or adopted any new principle or practice, upon the requirement of the New York Society, or wherein the question arose whether the Boston Society was bound to conform to the requirement of the New York Society?

Ans. To the best of my knowledge and belief, during my connection with the Boston Society, there was no such idea as *requirement;* the amicable relations of the Societies forbidding, or I should say, precluding any such idea. But the Boston Society did enter heartily into the work of what was termed volume circulation and colportage, as initiated by the National Society.

Cross int. 24. Please state generally what were the tract operations conducted by the Boston Society during your connection with it?

Ans. The operations conducted by the Boston Society on its own field, consisted in the sales of tract publications, in promoting city and town tract distribution, in furnishing grants of publications, in the circulation of volumes by volume agents, and colportage.

Cross int. 25. Do you know how many tracts or other publications it distributed gratuitously annually, and how extensive was its work among fishermen and seamen, and how many colporteurs it had?

Ans. I have no knowledge on that subject, separate from the Reports of the Society.

Cross int. 26. Who determined the amount which should be expended for the gratuitous distribution of tracts and other publications, the number of colporteurs who should be employed, and the amount of any surplus funds which should be applied for foreign tract operations?

Ans. The Executive Committee of the Boston Society, usually in this form: grants in small amounts would be made by the Secretary of the Society at his discretion, and then passed upon by the Committee at their next meeting; but grants in large amounts were passed upon by the Committee before made. The Executive Committee determined the number of colporteurs who should be employed.

Cross int. 27. So far as you recollect, were donations of money ever made by the Secretary, except in pursuance of a previous vote, in distinction from donations or grants of tracts or other publications?

Ans. I have no recollection. We did not give away money. We got the money, and circulated the publications. We did not give away money in operations on this field.

Cross int. 28. Do you not know that the Boston Society, during your connection with it, did a very large work among fishermen and seamen, especially during the latter years of such connection?

Ans. They did a very important work in that direction; how extensive I cannot answer without reference to the Reports. I know that we kept one man at work on the Cape most of the time.

Cross int. 29. Was this work ever one of the topics of your appeals, during your labors in Massachusetts?

Ans. It was, frequently; and also all the work of the Society on its own field, as well as all the work of the National Society in our entire country and the world.

Cross int. 30. Were these several topics generally presented by you in one discourse or address?

Ans. When I first entered the service of the Society, before having experience in the work, I endeavored to tell congregations all that was being done, and made a sad failure of it; and soon learned that a better way was to give a brief summary of the general work,

and then press particular parts of the work. For instance, the last two or three years of my connection with the Society, it was a favorite topic with me to present to the congregations the work of colportage as conducted in the slave states.

Cross int. 31. In presenting the work of colportage, did you state, as an inducement to contributions, that the donors of the sum of one hundred and fifty dollars would have the right to select some particular colporteur and some particular field for his labors? and was such privilege enjoyed by such donors or patrons, so far as you know?

Ans. No, sir. Nothing of the kind was presented as a right to select a colporteur, or the field of labor he should occupy. It was presented as a motive that a patron contributing one hundred and fifty dollars might regard himself as sustaining a colporteur, some particular colporteur; and the wishes of the patron in regard to the field of labor occupied by the colporteur, should be regarded so far as they consistently could be. I desire to state another fact in this connection. The usual compensation of a colporteur was a hundred and fifty dollars a year; his expenses and grants were understood to be about a hundred and fifty dollars more; and on that account, the same colporteur was usually assigned to two patrons, each contributing a hundred and fifty dollars.

Cross int. 32. Do you not recollect, and can you not state about how many colporteurs were employed by the Boston Society annually, during your connection with it?

Ans. I cannot recollect about how many were employed by the Society on this field. They varied very much in number at different times. Sometimes quite a number of theological students would be employed during their vacations, and at other times very few.

Cross int. 33. Was it also more or less a motive stated by you for contributions, that by the contribution of the sum of twenty dollars a person would become a life-member, and of fifty dollars a life-director of the Society?

Ans. It was; and an additional motive to do so was the fact that a life-member was entitled to receive annually one dollar's worth of publications, and a life-director, I think, two dollars' worth.

Cross int. 34. Did not the Boston Society, during your connection with it, make annually large grants of tracts and other publications for distribution beyond its own field?

Ans. To the best of my recollection, such applications for grants were frequently made; but generally the applicant was referred to

the National Society, if those grants were to be used in any part of our country outside of the field of this Society. To persons going directly abroad from this port to other lands, to sea, such applications were usually granted.

Cross int. 35. Please answer, did not the Boston Society annually make large grants of tracts and other publications for distribution beyond its own field?

Ans. Not, to the best of my recollection, otherwise than as I have just stated.

Cross int. 36. In your direct testimony, in answer to interrogatory 9, you stated a paragraph which you say you addressed to a congregation in Oxford in the year 1843; how are you able now to say that you used that language on the occasion referred to?

Ans. From the manuscript I then used. I should not have trusted to my own recollection.

Cross int. 37. Was that paragraph a portion only of what was read by you on that occasion? or was it the whole of the manuscript used by you?

Ans. The paragraph I read was a portion of what I read to the congregation.

[The counsel for the Society at Boston here objects to the testimony of the witness in answer to the 9th interrogatory, unless the whole of such manuscript is produced. Whereupon the complete manuscript is produced and placed at the disposition of the objecting counsel.]

Cross int. 38. In making appeals for contributions to be applied to tract distributions in foreign countries, I understood you to say that it was your habit to state generally what sum the New York Society proposed to raise for that object, and what sum the Boston Society proposed to raise for the same object. Was this generally your practice?

Ans. I intended to say that I generally stated to the churches what sum the National Society proposed to appropriate to foreign lands, and what part of that sum our Committee or Society desired to raise.

Cross int. 39. And did you urge upon the congregations that the Society should do its proposed share in this work, or contribute its proposed amount?

Ans. Certainly I did, with all my heart. The idea of such an auxiliary as the Boston Society being deficient in rendering its proportion of aid would be discreditable in my mind—is no part of my creed.

[The last clause of the answer is objected to, as irresponsive.]

Cross int. 40. Was it in the mode stated in your answer to the 38th cross-interrogatory, that you presented to the congregations the work done or proposed to be done by the New York Society?

Ans. Yes, sir; generally I think it was.

Cross int. 41. State any instance, within your personal knowledge, in which the Committee of the Boston Society deferred to the views of the Committee at New York in reference to any matter where there was originally a difference of opinion between them?

Ans. I do not recollect any instance of the kind, in either particular.

Cross int. 42. State any instance, within your personal knowledge, where the Committee of the Boston Society previously consulted the Committee of the New York Society in reference to any business or operation within its own field.

Ans. I do not recall any instance.

Cross int. 43. State any instance, within your personal knowledge, where you have heard any person in Massachusetts say, previous to 1856, that he understood by "American Tract Society" simply, the American Tract Society at New York, and not the American Tract Society at Boston.

Ans. I cannot now recall any instance outside of the Boston Committee, or persons in the employ of the Society; and at the same time I am confident that that was the general understanding of the Christian public, from the great pains we took to instruct them to that effect; and the main reason was, in order to obtain the contributions of the Christian public—the Christian public being at that time so much interested in the work of colportage in the north-west and west and south.

Cross int. 44. Do you mean to be understood, that in your addresses you took great pains to instruct the public as to what particular names the Boston Society and the New York Society should be called by; or that you took particular pains to instruct them in the operations of the New York Society?

Ans. I did not take particular pains to instruct them in regard to the name, but I did take particular pains to instruct them as to the relations of the two Societies, and in regard to the work prosecuted by the National Society.

Cross int. 45. Was the particular name or names by which these Societies were to be designated or spoken of, ever a topic with you of address or conversation?

Ans. I do not think the particular name or names was made by me a topic of public discourse; but I have the impression, that in consequence of the fact that the one Society was called the American Tract Society, New York, and the other the American Tract Society, Boston, in private conversation the reason was asked why both Societies were termed American, but at the same time I cannot recall any individual instance. The work was so entirely one, and the harmony of the two Societies so perfect, that nothing came up before my mind as a vexed question in any form.

Cross int. 46. During your connection with the Society at Boston, were you not well known throughout its field, and especially to the Congregational denomination in Massachusetts, as its agent or representative?

Ans. Certainly.

Cross int. 47. Did you ever, in your public addresses or otherwise, hold yourself out to be the agent of the New York Society?

Ans. No, sir.

Cross int. 48. Did you not endeavor to create an interest in the Christian public in your Society, both in reference to the work which it was to do within its own field, and the amount which it was to contribute for Tract operations beyond its own field through the instrumentality of the New York Society.

Ans. I certainly did try to create an interest in the work done by the Boston Society on its own field, and also in regard to the whole Tract work as prosecuted by the National Society, and which the Boston Society in its auxiliary relation labored to promote.

Cross int. 49. Did you, or did you not, endeavor to create or foster an interest in the Boston Society as an organization contributing through the instrumentality of the New York Society to the Tract cause throughout the country and in foreign lands; and did you not endeavor to create or promote a personal interest in the success of the Boston Society in these respects?

Ans. Not in distinction from, or in any sense as a rivalry to the National Society. The one great idea before my mind was the whole Tract work, and the importance of the Boston Society doing all it could to promote that.

Cross int. 50. Did you not endeavor, in your public appeals, to awaken a reasonable ambition that the Boston Society should do all that it could in these respects?

Ans. That question I have previously answered.

Cross int. 51. Do you mean that you did thus endeavor?

Ans. I have previously stated that it would be discreditable in my mind for the Boston Society not to do its part, and that it was no part of my creed that it should be so discredited.

Cross int. 52. Whenever you labored in the field of the New York Society in exchange with any of their agents or secretaries, as already stated, to which Society did you pay over such collections as you may have made therein?

Ans. Those exchanges of labor were generally between the Secretary, Mr. Bliss, and the Secretaries on that field. The only public labor performed by me on that field was in the form of public appeals in connection with colporteur conventions, and no funds ever came into my hands in connection with those labors.

Cross int. 53. Whenever collections were made by the agent or representative of one Society in the field of the other, to which Society were these funds paid over, so far as you know?

Ans. Usually to the respective treasuries, but not unfrequently funds contributed on this field were paid directly to the treasury at New York; and when I was questioned by pastors or churches as to what difference it made, whether the funds were remitted here or sent directly to New York, my answer was, no difference as to the final result; but still we desired the report of our treasurer to look well, and of course preferred to have them sent through this channel. That question came up more frequently in Berkshire county than in any other part of the state, because their business relations were more naturally connected with New York city than with Boston, and they generally wished to remit their funds through or by the hands of their business men.

Cross int. 54. Do you recollect, and can you state any instance in which this question arose, except in Berkshire county?

Ans. I cannot recall particular instances, but it frequently occurred in churches on the Connecticut river. I speak confidently on this subject, because it was a source of annoyance to me when it did occur.

Cross int. 55. Why a source of annoyance?

Ans. Because when I would spend a Sabbath with a congregation, and collectors were appointed to visit the families of the congregation and secure their benefactions, and the amount was remitted directly to New York, I did not appear to get much credit for my day's work; but this was only in appearance, it made no difference in the final appropriation of the funds.

Cross int. 56. And would not also their being sent to New York

have been contrary to the expectations of the persons who had contributed the same in answer to your appeals?

Ans. No, sir; it would have made no difference to them. They understood where the funds would be ultimately applied.

Cross int. 57. If this money had been sent directly to the New York Society, would any of it have been applied for Tract operations within the field of the Boston Society?

Ans. Probably not, because but a small proportion of the funds raised on this field were expended on this field, and all the surplus was remitted to the treasury of the National Society; so that there would be no necessity for expending those funds on this field.

Cross int. 58. You say it ultimately made no difference whether these funds were sent to the New York Society or not: suppose all these funds were remitted to the New York Society, how would the operations of the Boston Society within its own field have been sustained?

[Objected to.]

Ans. When I said that it made no difference ultimately, I referred only to the comparatively small amounts which were remitted directly to the treasury at New York; and as so large a surplus of the funds raised on this field were not needed to be appropriated on this field, but would be remitted to the treasury of the National Society, the remitting of such contributions to the treasury at New York would not interfere with the work on this field.

Cross int. 59. When the question above referred to was asked you, did you not always advise or direct that the funds of course should be remitted to the treasury of the Boston Society?

Ans. I could not direct, but always requested that they might be forwarded, if it could be done without inconvenience, to the treasury of the Boston Society; that was our practice.

Cross int. 60. Did not the donors contribute under the understanding that the funds were to be remitted to the Boston Society?

Ans. I think they contributed generally with the understanding that the funds were to be applied to the carrying forward the one great Tract work, and that was about all the idea they had in regard to it.

Cross int. 61. Did not they understand that these funds would go into the treasury of the Boston Society to be thus applied?

Ans. Yes, sir, I think there was a general expectation of that kind.

Cross int. 62. State any instance within your personal knowledge

where funds collected by an agent of the New York Society within the field of the Boston Society, were not paid into the treasury of that Society.

Ans. I have no personal knowledge in regard to the subject.

Cross int. 63. Do you not understand that there was a mutual arrangement and understanding between the two Societies, by which neither was to make collections of funds within the field of the other? and, so far as you know, was not this agreement observed?

Ans. My impression is that there was a general understanding between the Secretaries and the Agents on the respective fields that each would cultivate their own fields; and we all had so much work to do on our own fields, that we had no disposition to interfere with each other's arrangements. There was, to my knowledge, no positive contract or agreement entered into concerning the subject by the Societies.

Cross int. 64. Was it by this mutual understanding between the Secretaries and officers of the two Societies that the respective fields of labor and collection were agreed upon and arranged?

Ans. My idea is that it was mainly a matter of mere convenience. Western Vermont and Berkshire county, before the Western railroad was built, were more accessible to the agents employed by the National Society. The work was so perfectly one, that the main question was how it could be the most feasibly carried on. I was not a party to the original arrangement, and speak of it as I found it and understood it upon my connection with this Society.

Cross int. 65. So far as you know, was there any other division or assignment of fields, except the one of convenience and mutual arrangement to which you have already referred?

Ans. I have stated all I know in relation to the subject.

Cross int. 66. Did not the Boston Society have a large stock of miscellaneous books in their store for sale and distribution, which were not published by the New York Society, in addition to the English Bibles to which you have referred?

Ans. I think not. At one time some miscellaneous publications were introduced into the depository, I cannot now say by whom; but on the occasion of the Rev. Mr. Cook, one of the Secretaries at that time of the National Society, calling attention to the fact on one of his visits here, the practice was discontinued. That is the fact, according to my best recollection on the subject.

Cross int. 67. When were you first requested to be a witness in this case, and by whom?

Ans. About five weeks ago, I think, I received a letter from the Rev. Mr. Eastman, one of the Secretaries of the National Society at New York, asking me to give him an account or statement of my understanding and recollection and knowledge of the work of the Tract Society, and the relations of the Societies to each other. I replied to him by the next mail, stating in general terms to him my views and impressions, recollection, knowledge, and understanding of the matter. I received from him, in reply to my letter, an invitation to come on and address the meeting of the Society at its anniversary in Boston, and saying that I would be needed as a witness in this case. I wish in this connection to state that I have no personal knowledge of the conflict between the two Societies, and that I have declined to be present here during the examination of any other witness, and have endeavored to state only the impressions and recollections and personal knowledge of Tract operations as conducted during my connection with the Society.

[This answer is objected to, as not responsive to the question, except in the first clause, and also because it professes to state the contents of written letters not called for by the question.]

Cross int. 68. How long have you been in attendance at Boston, for the purpose of being examined as a witness in this case? and did you address the New York Society, at its recent anniversary here?

Ans. I did address the meeting at its anniversary in Boston. I attended other anniversary meetings of that week until Friday morning. I was then absent from the city from that time until last Thursday morning, and waited very impatiently to be called for from that time.

Cross int. 69. When did the Boston Society cease to be connected with the New York Society? and what do you understand to have been the cause of separation?

Ans. My answer is, that I have no personal knowledge of the matter, and was more than a thousand miles away, and have n't troubled myself about it. I have been hard at work as a pastor, and wholly devoted to the work of the ministry among my people.

Cross int. 70. What religious paper have you been in the habit of taking or reading for the last five years?

Ans. Being pastor of a Presbyterian church, I have naturally taken the religious papers published by that denomination: The American Presbyterian, The New York Evangelist, The Presbyterian Recorder, The New York Observer, and for old acquaintance' sake, The Boston Recorder.

Cross int. 71. Has it been your habit to read these papers?

Ans. Yes.

Cross int. 72. Have you not read the accounts given therein, and especially in the New York Observer, of the causes and history of the separation between the two Societies?

Ans. I presume I have read them in connection with my casual reading of those papers; I cannot recall any thing in particular now.

Cross int. 73. Do you not know that you read them with interest? and did you not make yourself familiar with the causes and history of said separation as given from time to time in said papers? I mean all or any of the papers abovenamed by you?

Ans. Not in such a way and to such an extent that I can give any intelligent account of the subject. I do not know, I could not state positively what year the division occurred.

Cross int. 74. In what year, according to your best recollection, did it occur?

Ans. I cannot state.

Cross int. 75. Have you no opinion or belief in reference to the year?

Ans. I have not.

Cross int. 76. What did you understand to be the cause of the separation or difference? or have you no recollection on that subject?

Ans. So far as I have any general impression on the subject, it was the subject of slavery.

Cross int. 77. Did you form any opinion in your own mind as to which Society was in fault in reference to the separation?

Ans. I am by no means sure that there was not fault on both sides.

Cross int. 78. Did you come to the conclusion that there was fault on both sides?

Ans. I have come to the conclusion that the rupture was a very sad affair.

Cross int. 79. Please answer the last question.

Ans. I answer as I did before.

Cross int. 80. Why will you not answer the question put to you, whether you came to the conclusion that there was fault on both sides?

Ans. My answer is, I am by no meaus sure that there was not fault on both sides. I do not propose with my very imperfect knowledge of the subject to answer further in relation to it.

Cross int. 81. Did you, or did you not, at the time of the separation, or any time thereafter, form any opinion as to which Society, or as to whether both Societies were in fault?

Ans. I answer as I did before.

Cross int. 82. How long had your connection with the Boston Society ceased before the controversy arose between the two Societies?

Ans. My connection with the Boston Society ceased the beginning of October, 1855.

Cross int. 83. Please answer the last question?

Ans. My connection with the Boston Society ceased the beginning of October, 1855.

Cross int. 84. Is that the only answer you propose to make to the question put to you?

Ans. To my mind the question is so indefinite that I cannot give a more distinct answer. There was some feeling in the public mind on this general subject before my connection with the Society closed, but when the controversy between the Societies arose I cannot tell.

Cross int. 85. What general subject do you refer to in your last answer?

Ans. I refer to the subject of slavery.

Cross int. 86. And to the course which the Societies should pursue in reference to publications relating to that subject?

Ans. The public feeling was with reference to the course the National Society should pursue, as far as I recollect, as to publishing in regard to the subject of slavery.

Cross int. 87. Did you then form or entertain any opinion in reference to that subject?

Ans. My impression was that the public feeling was not correct as to the real action of the National Society; that the public feeling was, that the National Society was really and truly pro-slavery, and were unwilling to publish on the subject of slavery; while the real fact, as I understood it, was that the Society at New York declined to publish more distinctly than it had done on the subject of slavery, on the ground of expediency; and that, as I suppose, was the condition of affairs when my connection with the Society closed. By public feeling or sentiment, I refer to that portion of the community who were disturbed on the subject.

Cross int. 88. Did you approve of the course pursued by the New York Society in this respect?

Ans. I had had a long and intimate acquaintance with the Secretaries and other officers of the National Society, and supposing their position to be as I have just stated, I approved of the course the Society pursued.

Cross int. 89. Did you ever change this opinion in reference to the propriety of this decision of the New York Society?

Ans. Not as to the principles involved; but with the progress of the almost entire Christian public, I have felt glad that the way was open for the Society to publish still more clearly and fully on the subject of slavery. I never at any time felt any delicacy or embarrassment in discussing the evils of slavery, as part of my presentation of the subject of the tract work, under the conviction that the work as prosecuted by the Tract Society was in the anti-slavery direction. I could not conscientiously have labored for the Society, had I supposed it was not so.

Cross int. 90. In your previous answer, wherein you refer to the "way being open" for further publications on the subject of slavery, do you allude to the rebellion, or secession of the Southern states?

Ans. I do, chiefly.

Cross int. 91. I understand you then, that until that period your opinion did coincide with the course pursued by the New York Society with reference to its publications on that subject?

Ans. Mainly and chiefly.

Cross int. 92. Was not the different view entertained by the Boston Society from that entertained by the New York Society in reference to the course which should be pursued in publishing on the subject of slavery, the cause of the separation between the two Societies, as you understand it?

Ans. That is my general impression. I have no accurate information in regard to the subject personally.

Cross int. 93. By the expression, "no accurate information in regard to the subject personally," do you mean that you were not personally present, and participating in the transactions which resulted in the separation?

Ans. That is what I meant; and meant principally in my answer to a previous cross-interrogatory. And I have learned to place so little reliance on newspaper reports and statements on subjects in general, that I always require more *data* upon which to mature my judgment; and this answers more clearly the interrogatory in regard to the reading of newspapers, than occurred to me when the interrogatory was proposed.

Cross int. 94. Were you not, from your connection with the tract cause—fifteen years as you have stated—very familiar with all the facts and considerations relating to the course pursued by the New York Society in its publications on the subject of slavery?

Ans. I endeavored to make myself familiar with the Tract Society in all its operations, but how much I did not know I cannot tell.

Cross int. 95. With which Society did the papers which you have enumerated above agree or sympathize, in the question of the separation between the two Societies?

Ans. Well, I think some of these talked on both sides. The New York Observer I should say sympathized very much, at any rate, with the National Society. I think my answer covers the ground. Those papers were entirely independent of any connection, so far as I know, with the Societies, and sometimes they talked one way and sometimes the other, as they discussed one or another feature.

Cross int. 96. Did you not, about the time of the separation between the two Societies, or soon after, express an opinion condemning the Boston Society, and approving the course of the New York Society, with regard to the separation?

Ans. I should prefer to answer the question by saying that my sympathies have been with old friends, and with this Society as I have been connected with it, and consequently I should naturally, if I could, express myself in favor of the old Society, or of the Society as it was when I was connected with it.

Cross int. 97. Will you please now answer whether you have not expressed an opinion condemning the Boston Society and approving the course of the New York Society in reference to their separation, as inquired of in the previous question?

Ans. I have tried to answer the question to the best of my recollection.

Cross int. 98. Do you understand and do you mean to say that you have stated, in answer to the question which has been put to you twice, that you did express an opinion on the subject referred to in those two questions?

Ans. I would answer, that I have no doubt that I have expressed my sympathies as strongly with the Society as it was while I was connected with it, and I may have reflected on the Boston Society as it now is with reference to this whole subject of controversy; but not in such a way as I should have done had I been fully conversant with the whole case.

Cross int. 99. You have not been, in the questions referred to,

and are not now, asked what your opinions or sympathies were, in reference to the Boston Society as it was while you were connected with it; but this question, which please answer: Have you not, since the separation of the Boston Society from the New York Society, expressed an opinion disapproving of the course of the former upon that subject?

Ans. I may have done so; if I knew when the rupture took place, I could answer more definitely.

Cross int. 100. Have you not expressed such an opinion at some time after your connection with the Boston Society ceased, and while the controversy on this subject was going on, whether before or after the separation?

Ans. I have so; and the question gives me relief, because it enables me to answer the question intelligently, as pertaining to the controversy as a whole.

Cross int. 101. Have you not expressed such opinion frequently?

Ans. Probably I have.

Cross int. 102. In answer to the 96th cross-interrogatory, where you say your sympathies have been with old friends, do you mean to be understood that your sympathies have been with the Boston Society, in its course as to the separation between the two Societies?

Ans. I mean to say that my sympathies have been with the Boston Society as it was while I was connected with it. I have had no acquaintance and no intercourse with the Society since that time, to my recollection.

Cross int. 103. Will you please answer the last question?

Ans. I answer that my sympathies have not been with the Boston Society.

Cross int. 104. Has your opinion on that subject been decided; and have you ever hesitated to express the same whenever you thought the occasion called for it?

Ans. My opinion has been decided, and I have expressed myself freely on the subject.

Cross int. 105. Have you not also said in substance, that you wished you were back in New England to fight the Boston Society on that question, or words to that effect?

Ans. I have no recollection of making any such statement.

Cross int. 106. Do you mean to be understood as saying that you never did, substantially, make such statement?

Ans. I recollect to have made a statement to this effect on the subject of general benevolence, that I have sometimes felt that I

would like to visit New England and recite to the churches a statement of facts as to how their benevolence had been abused at the west.

[Objected to, as not responsive.]

According to the best of my recollection, I made no such statement.

Cross int. 107. Is it very improbable that you made such statement?

Ans. I think so.

Cross int. 108. Do you not remember making substantially this statement to the Rev. Mr. Bush, at some time after the controversy had begun, and since you have resided in Illinois?

Ans. I do not remember making any such statement to Mr. Bush. Mr. Bush and myself had frequent social intercourse, and conversed together on all the topics of the day; but I have no recollection of making any such statement as that to Mr. Bush.

Cross int. 109. Assuming the separation to have been in 1859, do you not remember making such a statement in a conversation with him either at his house or your own at or about that time?

Ans. I have no recollection of ever making any such statement to any one—Mr. Bush, or any other.

Cross int. 110. When, if ever, and from whom did you first learn of the claims set up by the Boston Society in the present controversy?

Ans. About five weeks ago, from the Rev. Mr. Eastman, stating the general fact. I did not know of the individual bequests, who they were, until I came to this city.

Cross int. 111. Did you then, or have you since learned the grounds on which the Boston Society made this claim, and on which the New York Society resisted it? How frequently has this been a subject of conversation with you and Mr. Eastman?

Ans. The general subject has been the frequent subject of conversation between myself and Mr. Eastman. I know nothing in relation to the matter, except as Mr. Eastman has stated the grounds of claim to me as set up by both Societies.

Cross int. 112. Has he done this frequently? and has he at the same time expressed to you his own views upon these topics?

Ans. He has done so several times.

Cross int. 113. Has he also stated to you more or less the substance of the testimony of the witnesses examined by the Boston Society, or any of them?

Ans. He has not stated to me any thing like a connected account of the testimony of any particular witness. I have heard him state, not to myself particularly, but to others in my presence, some two or three questions and answers.

[The examination was here, at six P. M. of Monday, June 9th, 1862, adjourned until half-past nine A. M. of Tuesday, June 10th, 1862.]

[Pursuant to adjournment, the examination was continued at half-past nine A. M. of this 10th day of June, 1862.]

Cross int. 114. Have you seen his minutes of the testimony of any witness?

Ans. I have not, except Mr. Eastman's own testimony, which I hastily perused a week ago, I should think.

Cross int. 115. Who gave it to you?

Ans. Mr. Eastman.

Cross int. 116. Has not Mr. Eastman stated to you in substance the testimony or views given by some or all of the witnesses called by the Boston Society on the points of difference between the two Societies?

Ans. He has not. I have declined to hear any thing of the kind any farther than I have before stated.

Cross int. 117. Did he request you to hear further, and you refused to hear?

Ans. Mr. Eastman invited me to attend here during the examination of other witnesses, and I declined.

Cross int. 118. Did you decline or refuse to hear any statement in reference to the testimony which he offered to make to you?

Ans. To the best of my recollection, he has not offered to make any statement to me other than I have above stated. I have seen Mr. Eastman but a very few minutes at a time since I have been in the east, with the exception of one night we spent together at the house of a mutual friend; and I have no distinct recollection of any thing being said in particular on the subject in controversy.

Cross int. 119. Did you not have any conversation with Mr. Eastman more or less in reference to the testimony of Mr. Alvord, while his examination was going on?

Ans. Not in regard to the testimony itself, with the exception of one of the questions to which I have before referred; and that question related to the relation subsisting between Mr. Alvord and Mr. Bliss. With this exception I am entirely ignorant as to Mr. Alvord's testimony, or the testimony of any other witness, excepting Mr. Eastman's testimony.

Cross int. 120. Did you mean to be understood as saying that you have not been informed, in any way or to any extent, that the views stated by Mr. Alvord in reference to the points of difference between the two Societies did not agree with those given by Mr. Eastman in his testimony, or those which you have given in yours?

Ans. I do mean to say so, except as I might infer that Mr. Alvord's testimony might not agree with Mr. Eastman's; and that was what I intended by the answer I before gave when I said I declined attendance here. I did not wish to incur the risk of being biassed even unconsciously to myself. I have been so entirely ignorant of the subject in controversy in this litigation, that I did not know until this morning how many bequests were involved. From a casual remark made by Mr. Eastman at some time since I have been in the city, I supposed there were four bequests in litigation. I have desired simply to state my own impressions and knowledge of tract operations as conducted by the Society during my connection with it.

Cross int. 121. By the expression, "subject in controversy," used in your last answer, do you refer to the particular bequests which are in dispute?

Ans. I do.

Cross int. 122. Do you mean to say that you have heard no comment or remark upon the testimony given by Mr. Alvord on his examination? or upon him in reference to such examination or testimony?

Ans. I could not say absolutely that I have heard no remark made by Mr. Eastman in regard to Mr. Alvord's testimony, but I have heard nothing from him or any one else which has given me any distinct or definite knowledge or impression in regard to the testimony. I only wish the counsel knew how ignorant I am on the subject.

Cross int. 123. You say in your last answer that you cannot say absolutely that you have not heard any comment or remark as inquired of; do you not know that you have heard such comment or remark?

Ans. I answer only as I have before stated. Men will talk, and I have heard Mr. Eastman refer to the subject at different times in conversation with myself and others, but not in such a way as to convey to my mind any distinct or definite view of the subject.

Cross int. 124. Have you not heard him thus refer to the subject at different times frequently?

Ans. I have heard him refer to the subject in a general manner

frequently. I have heard him make general remarks, that is what I mean. I state all my knowledge on the subject of the testimony of the witnesses. I wish so to do. I have no motive whatever for concealing it.

Cross int. 125. Were his comments or remarks in approval or disapproval?

[Objected to, as calling for the opinion of the witness.]

Ans. I have heard him make this general remark, that some things in the testimony he liked, and some he did not like. In other words, that he regarded some of the testimony as in favor of the New York Society, and some not; but what that was, I do not know.

Cross int. 126. Did he not state the points, or some of them, which he thought were favorable or unfavorable?

Ans. I cannot recall a single point, except what I have before referred to—the relation subsisting between Mr. Alvord and Mr. Bliss.

Cross int. 127. So far as you know, was not the name of the Boston Society understood by its patrons and contributors in Massachusetts? and was any thing said or done by you or any other of its agents, so far as you know, designed or calculated to misinform them on that subject?

Ans. I can only answer positively for myself, that I certainly did not desire to misinform the Christian public, and have no knowledge of any other agent desiring or attempting to misinform them. My impression is, that the name of the Boston Society was understood.

Cross int. 128. Did not, so far as you know, a donation or legacy given by one of its patrons or contributors in Massachusetts to "The American Tract Society" by name, import a donation or legacy to the Boston Society? and did not, so far as you know, such contributors in Massachusetts understand and expect that their donations or legacies should go into the treasury of the Boston Society?

Ans. My impression is that generally donations and bequests made in Massachusetts were paid into the treasury of the Society at Boston. So far as the operations of the Society were concerned, it in reality made no difference.

When the question was proposed to me I understood it that a donation or bequest made to "The American Tract Society, Boston." Such bequests or donations were usually paid to the treasury of the Boston Society. But a bequest made to "The American Tract Society" simply, if I had no other knowledge on the subject, did not know definitely the mind of the testator, I should understand him to

mean the National Society at New York, and not the Society at Boston, which was the American Tract Society in name, but not in fact.

Cross int. 129. You have not been asked, and are not now asked how you should understand the term "American Tract Society;" but, so far as you know, did not the contributors in Massachusetts to the Boston Society understand and expect that a donation or legacy given to "The American Tract Society" simply, was to go into the treasury of the Boston Society?

Ans. I think that would be the general impression.

Cross int. 130. During your connection with the Society was not every legacy, so far as you know, given by a testator residing in Massachusetts to "The American Tract Society" simply, and nothing more, received by the Boston Society? and do you know of a single instance wherein the New York Society made any claim to such legacy?

Ans. I have no knowledge to the contrary, but have no recollection on the subject of any particular legacy. I never heard of any such thing as a claim made by the New York Society, the National Society, on the Boston Society. The relations subsisting between the two Societies precluding all necessity of such a claim.

Cross int. 131. By which Society was any legacy given by a testator residing in Massachusetts to "The American Tract Society at New York" in terms received?

Ans. I have no knowledge on the subject. I do not recall any legacy so bequeathed.

Cross int. 132. According to your understanding, by which Society would a legacy substantially thus expressed have been received?

Ans. By the Society at New York.

Cross int. 133. And by which Society, according to your understanding, would a legacy made by a testator residing within the field of the New York Society to "The American Tract Society at Boston" have been received?

Ans. It would be naturally received by the Boston Society.

Cross int. 134. What do you mean by the expression in your answer to the thirteenth direct interrogatory, "and I labored earnestly in that direction?" Do you mean any thing more than that you labored earnestly to acquaint the people of Massachusetts with all the tract operations carried on by the New York Society and the Boston Society, and to interest them therein? or do you mean that

you labored earnestly to impress upon them that the Boston Society was merely subsidiary to the New York Society?

Ans. I labored to do both; to urge upon the congregations the great work of the National Society, and the desirableness of the Boston Society to do all it could in aid of that work. I never heard it questioned, the auxiliary relation of the Boston Society to the New York Society, and supposed I was promoting the whole tract operation by presenting that relation.

Cross int. 135. If you never heard the auxiliary relation of the Boston Society to the New York Society questioned, will you please inform us why you labored so earnestly to impress upon the people of Massachusetts the existence of that relation?

Ans. To secure their benefactions, to interest them in the whole work. Had I visited a congregation and appealed to them for aid simply or chiefly to sustain the tract operations on our field, the field of the Boston Society, I could have obtained comparatively but small contributions. The heart of the Christian public was yearning to reach the destitutions of the entire country, and the churches responded more heartily to appeals in behalf of the great West, as it was called, than any other.

Cross int. 136. I ask, then, were not these great operations of the Tract work generally the topics which you labored earnestly to impress? or did you spend your time more or less in attempting to define to the people what you understood to be the particular relations of the Boston Society to the New York Society? Did you not present these great objects and urge their contributions for them in order that the Boston Society might do its share of the great work?

Ans. They were the great topics I endeavored to impress on the congregations. Sometimes I did not specify at all the auxiliary relation or relations existing between the Societies. It would require but a very few words to set forth that relation, and then press upon the congregation the importance of the great Tract work, and the desirableness and importance of their doing all that could be done to promote that work, and the importance of enabling the Boston Society to render its full share of aid to the National Society in carrying out its operations.

Cross int. 137. Did you present these great operations as the work of the New York Society? or did you present them as the work in which the Boston Society was equally interested, and to which it proposed to contribute generally a specific sum? and did

you not urge the patrons of the Boston Society to contribute to make up that sum?

Ans. Sometimes I would refer to the great work of the Tract Society without designating either, but generally spoke of the work of the National Society as performed by that Society, and derived the facts and the motives which I urged upon the consideration of the churches from the reports of that Society, from communications frequently received from them, detailing the labors and successes of colporteurs in different parts of the country. I did press upon the churches that the Boston Society was equally interested in the work, and did urge the importance of its doing its full share in the work.

Cross int. 138. And did you not in this connection appeal to them, as members of or contributors to the Boston Society, for their contributions for these objects?

Ans. Certainly I did.

Cross int. 139. When you say that it was generally understood by the contributors to the Boston Society that its surplus funds were given to the New York Society, do you not mean that they were informed of the amount which the Executive Committee had voted from time to time to contribute to the New York Society for foreign Tract operations? and that their contributions were solicited to this end among other purposes?

Ans. That was done usually in this form: on the Secretary of this Society receiving from the Secretary at New York the minute of that Committee making their appropriations for foreign lands, the Boston Committee would inquire of the Secretary about what amount of that sum we could secure from the churches on this field, and propose to remit that amount for the object; and then the churches were urged, if possible, to supply this proportion of the whole sum proposed to be raised by the National Society. I do mean to say that the contributors were informed of the amount our Committee desired to remit to the Society at New York, and that their contributions were solicited to this end. They were also informed that all the surplus funds of the Boston Society were remitted to the National Society at New York to carry on their general operations.

Cross int. 140. Will you state a single instance where the Boston Society ever made a remittance or donation of funds to the New York Society, to be applied to the general purposes of that Society? and do you not know that every donation of money made by the Boston Committee to the New York Society was appropriated in their vote to some specific object?

Ans. I cannot recall any instance of such appropriation ; but my impression—understanding—is, that remittances for general objects were constantly made, and sometimes the Committee would designate specific objects to which they wished their funds applied—sometimes for foreign lands, sometimes for colportage, or for gratuitous supply of publications for the destitute in our country.

Cross int. 141. Then, according to your understanding, donations of money to the New York Society were frequently made by the Boston Committee without specifying the particular objects to which the funds were to be applied.

Ans. That is my impression. They had so much confidence in that Committee, that they felt no hesitancy in remitting all they could to aid them in carrying on their work.

Cross int. 142. Have you any personal knowledge that such a donation was ever made by the Boston Committee? or is your testimony in this respect only inference or conjecture?

Ans. Although I cannot specify any instance, I feel confident of the correctness of my impression, from the fact that I generally attended the meetings of the Committee, and so was aware of their course of business.

Cross int. 143. Then you feel quite as confident of the correctness of this impression as of your testimony in reference to any other subject on which you have been inquired of?

Ans. I think I do.

Cross int. 144. Can you state as a matter of personal recollection, that you ever stated to any congregation that the surplus funds of the Boston Society were given to the New York Society to be applied to its general purposes? and were not your statements to the effect that certain amounts were desired to be given to the New York Society, and that their contributions were solicited to that end?

Ans. I cannot recall any particular instance. My impression is that I presented the matter in different forms at different times; sometimes referring merely to general operations, and sometimes specifying the different departments of labor to which their contributions would be applied.

Cross int. 145. Is this what you mean in your testimony in reference to any statement to congregations as to the disposal of the surplus funds of the Society?

Ans. That is what I mean.

Cross int. 146. You do not then, as I understand, undertake to swear that you recollect that you ever did make a public statement

in the form that all the surplus funds of the Boston Society were given to the New York Society to be applied to its general purposes, or substantially in that form? but that your statements were as explained in answer to the 144th cross-interrogatory?

Ans. I have no personal recollection of making such a statement, and yet I have no doubt I did so; and yet when I did so, I included in the term general operations all the work of the Tract Society, sometimes specifying different departments, such as colportage and volume circulation, city tract distribution, foreign appropriations, and on other occasions including all these under the term general operations. That is the best answer I can give to the question.

Cross int. 147. Will you please say whether or not you now undertake to swear that you ever made a public statement in the form that the surplus funds of the Boston Society went or were given to the New York Society for its general purposes, or substantially in that form?

Ans. My answer is, that I have no doubt that I made a statement to that effect in public a great many times. That was my understanding of the work of this Society out of its own field, and of course I presented that view to the congregations.

Cross int. 148. By whom were you authorized to make any such statement?

Ans. I was employed by the Executive Committee of the Boston Society, and supposed myself authorized by them to make such statement, and never had any thought to the contrary. I wish to make myself understood, if I can. I sometimes spoke of general operations, sometimes referred to particular departments of labor. When I spoke of general operations without specifying, I intended to refer to the whole work of the Tract Society, and at other times I would press some particular work; and I supposed myself authorized to state to the churches that all the surplus funds of this Society would be remitted to the treasury at New York, to carry on the work of that Society; and I did not know of any other use to which those funds could be so applied. By surplus funds, I mean all the funds in the treasury of this Society, after meeting the demands on its own field.

Cross int. 149. And do you include in the term surplus funds the money appropriated by the vote of the Executive Committee of the Boston Society to foreign purposes, which you stated were to be remitted to the New York Society to be applied to its general purposes?

[Objected to, as assuming a statement having been made by the witness, which I do not understand him to have made.]

Ans. By the term surplus funds of the Boston Society, I mean all the funds of the Society not expended on its own field; part of it was applied to foreign appropriations, part of it to colportage, and to the rest of the work of the Society.

Cross int. 150. Please state whether or not you were ever authorized by the Executive Committee of the Boston Society to represent that the funds of that Society not expended within its own field were remitted to the New York Society to be applied by them to such purposes as they saw fit, and were not given under specific votes designating the particular objects to which the funds were to be applied?

[Objected to, as having been already asked and answered.]

Ans. My understanding is, that I was commissioned by the Executive Committee on purpose to present to the churches the claims of the national work in addition to the work on our own field, and that the funds contributed would be remitted to the treasury at New York for that object.

I understood myself to be authorized to make that statement to the churches: that the funds of the Boston Society not expended within its own field were remitted to the New York Society, to be applied by that Society to such purposes as they saw fit. My understanding was, that funds appropriated by our Committee to either department of the work of the National Society, were sacredly so applied by them. When they designated any particular work, the funds would be so applied. I am rather perplexed in regard to this question, and think I will not try to do any thing more with it.

Cross int. 151. According to your understanding, were not the New York Society bound to apply the funds given to them by the Boston Society to those objects which were specified by the Boston Society?

Ans. They were certainly under moral obligation to do so.

Cross int. 152. Do you mean to be understood that you ever stated to a congregation in Massachusetts, whose contributions you were soliciting, that their funds, after being applied to the operations of the Boston Society in its own field, so far as was necessary, would be remitted to the New York Society, to be applied by them to such purposes as they saw fit?

[Objected to, as having been asked and answered before.]

Ans. Congregations were given to understand that their donations would be appropriated just as they desired: if they specified colportage, it would be applied to colportage; if they did not specify any particular object, then their donations went into the general treasury, to be appropriated as the Committee of the Boston Society might designate. It was an argument with me, in my appeals to the churches, to say to them that their benefactions would be applied to whatever specific work they might desire. It was all a voluntary Society, living on the confidence of the Christian public, and of course its prosperity depended on meeting their wishes.

I gave the congregations to understand that they were at liberty to appropriate their funds either to the work of this Society on this field, or to the general Tract work in any part of the country: if they did not specify, their funds would be appropriated at the discretion of the Boston Committee, coming into their treasury first; and when remitted into the treasury of the National Society, would be appropriated by that Committee according to their discretion.

Direct resumed int. 1. Will you state, in regard to your last answer, how far you understand the directions of the Boston Committee, in making appropriations, would be followed by the New York Committee in expending them, and how you represented that matter to the congregations?

Ans. There was a perfect understanding between the two Committees, and it was understood without questioning, that each Committee sacredly regarded the wishes of the other; and I so represented it to the congregations.

Direct resumed int. 2. You have been inquired of, on cross-examination, in regard to the independent action of the Boston Society, and how far it was subordinate to the National Society; will you state any thing you may recollect said by members of the Executive Committee of the Boston Society in regard to the New York Society having the control of every thing? and how far it was important for the Boston Committee to have any action? Say whether you have any recollection upon this subject; if so, what?

[Objected to as leading, as relating to a subject inquired of in the direct examination, and as incompetent generally.]

Ans. I have an indistinct recollection of a remark being made to me by one member of the Committee, to the effect that the work was in reality conducted by the New York Society, and that a simple agency was all that was necessary here in Boston?

Direct resumed int. 3. Will you state by whom this remark was made, and under what circumstances?

Ans. It was made by the Rev. Mr. Kirk, and on the occasion of my soliciting his attendance at a meeting of the Committee, and at his own house.

Direct resumed int. 4. Will you state whether, in your answer to cross-interrogatory 23, you refer to the volume circulation and colportage on the Boston or New York field?

Ans. On both.

Direct resumed int. 5. Do you know whether the Secretary of the Boston Society, in paying over money to the New York Society, always had the order of the Executive Committee of the Boston Society in advance? If you have any recollection upon that subject, please state.

Ans. I have no recollection upon the subject.

Direct resumed int. 6. What was the mode of selection of colporteurs referred to in your answer to cross-interrogatory 31? Will you state whether this selection was limited to those already in the employment of the New York Society, or extended to those not in that employment at all?

Ans. The selection was made in this way: a patron would say to me, I will give $150 for colportage this year, and I should like the money to go to the support of a colporteur—in Virginia perhaps. I would at once refer the matter to the Rev. Mr. Cook, Secretary of Colportage in New York, and he would return an answer, giving the name of some colporteur at work in Virginia, and that name I would report to the patron. That was all there was about that. It is limited to colporteurs already employed in any part of the country.

Direct resumed int. 7. Will you state how far Mr. Eastman attempted to, or did influence your opinion in regard to any matters upon which you have been called to give testimony?

Ans. So far as I know myself, he has not influenced me at all; and I have no reason to suppose, from any thing Mr. Eastman has said to me, that he wished me to testify any thing contrary to my own convictions.

Direct resumed int. 8. You stated upon cross-examination, in substance, that you had an impression or recollection that people sometimes inquired of you, while you were employed in the service of the Boston Society, why both Societies were called American; will you state how you answered that inquiry, whenever it was made, as near as you can recollect?

[Objected to, because the statement inquired of was not made in response to any cross-interrogatory, but was volunteered by the witness.]

Ans. I would reply that the Boston Society had the name of The American Tract Society before the New York Society was organized and was incorporated, and consequently retained the name after the change of the relation between the two Societies, after it became auxiliary to the National Society.

Cross int. 153. Was not the remark of Dr. Kirk, to which you have referred in your direct resumed examination, made complainingly in reference to the action of the New York Society? and did you not dissent from what he said on that occasion in reference to what was best for the Boston Society to do?

Ans. It was not made complainingly. It was at the time that the relation of the Societies was perfectly cordial; and Mr. Kirk was cordial towards both Societies; and I understood it merely as a matter of necessity, expediency, economy.

My judgment differed from Dr. Kirk's on that subject. I felt that it was important and desirable to sustain the Boston Society.

Cross int. 154. Was not Dr. Kirk's remark ironical? and do you mean to represent that he then expressed the opinion that the Boston Society should cease to exist, and that an agency of the New York Society here in its place was all that was necessary?

Ans. As I understood it, the remark of Mr. Kirk was not ironical. I mean to represent that his remark was to the effect that an agency of the New York Society was all that was needed on this field, as I understood it at the time.

Cross int. 155. In the selections of colporteurs assigned to the patrons in Massachusetts, was not their selection from those already employed by the New York Society a matter of convenience?

Ans. I do n't see the application of the term "convenience" to the subject. This is the best answer I can give with my understanding of the question.

HENRY B. HOLMES.

Col. De Witt, witness for the New York Society, was here taken up during the absence of Mr. Gould, by consent, at half past ten, A. M. of Thursday the 10th, 1862.

TESTIMONY OF ALEXANDER DE WITT.

Int. 1. What is your name, age, residence, and occupation.

Ans. Alexander De Witt; Oxford, Mass.; 64; farmer.

Int. 2. Will you state how long you have resided at Oxford? and whether you have been connected with the Congregational society there, and for how long?

Ans. Since 1825, with the exception of four years, I resided at Oxford, and have been all the while connected with the Congregational society there.

Int. 3. Will you state whether you were connected with the church and society both, or with only one?

Ans. Both, for 24 or 25 years.

Int. 4. How long were you acquainted with Mr. Elnathan Jones before his decease? and how intimately?

Ans. Several years. We lived opposite, on the same street.

Int. 5. Can you state about the time of his decease?

Ans. I should think in 1856; not certain. I would correct that; it must have been earlier.

Int. 6. Will you state whether you had any connection with the settlement of his estate? and if so, when you were appointed to that office?

Ans. I was appointed administrator with the will annexed, subsequent to the death of Mr. Bowman; months after his decease; and I should think he died in the winter of 1856–7.

Int. 7. Will you state whether you found a legacy to the American Tract Society unpaid, and if so, what steps you took to ascertain where it should be paid? and what you did in regard to the payment? and whether you had any communication with either Society upon the subject, or their officers or agents? Please state fully.

[All but the first clause of this interrogatory is objected to, as incompetent and irrelevant.]

Ans. I did find a legacy of one thousand dollars to the American Tract Society unpaid. Feeling desirous of settling the estate as early as I could, I came to Boston for the purpose of paying such

legacies as I could here, (there being one to the American Board.) Well, I learned here that there was a question where the Tract Society legacy should be paid. I declined paying it here. I returned to Worcester, called on Messrs. Dewey and Williams for advice in regard to it. They advised me to call on Dr. Sweetser, who, they said, knew more of it than all the lawyers in town. I did call upon Dr. Sweetser, and Dr. Bardwell my minister. They told me that their sympathy was with Boston, but the money belonged to New York. I sent a check to New York to pay the legacy, solely under their advice.

I never had any communication with the New York Society until after I sent the check. I had had, as I remarked before, conversation with gentlemen connected with the Boston Society before the payment.

Int. 8. Will you state more particularly what the agents of the Boston Society said in regard to the payment while you were in Boston, and before the payment?

Ans. They seemed desirous that I should pay the legacy here, and proposed to give me a bond to indemnify me if the payment was wrongful.

Int. 9. When did you first learn that there was more than one Society by the name of the American Tract Society?

Ans. The day I came to Boston to pay that and the other legacies.

Int. 10. What did you understand before that time by the term American Tract Society?

Ans. I supposed there was but one great head or fountain, and all that was given to the American Tract Society went to it.

Int. 11. Where did you understand, at this time, was the centre of the operations of this Society?

Ans. I supposed, after I got to Worcester, that New York was the place, or I should n't have sent my money there.

Int. 12. Will you state, as far as you can recollect, how the term American Tract Society was understood at Oxford and in the vicinity during the life of Mr. Jones, and at the time of his decease, and up to the period of the separation of the Boston Society from the New York Society? and whether you took special pains to inquire and ascertain how this was generally understood by ministers and others connected with the Congregational denomination?

[Objected to.]

Ans. I do not think, at the time of the decease of Mr. Jones, that

there was a person in town that understood there were two American Tract Societies. Between the decease of Mr. Jones and the separation of the two Societies, I did make inquiry then, having this legacy to pay, where it should be paid; as I said before, I paid it to the New York Society, under the advice of Dr. Sweetser and Dr. Bardwell. The first time I conversed with Dr. Sweetser and Dr. Bardwell, there was an association of clergymen at Worcester, and the subject was talked over with others, I can't tell who or how many.

Int. 13. Can you state what was the general understanding of the people at Oxford connected with the Congregational church and society, at the time of the decease of Mr. Jones, in regard to the location, character, and operation of the American Tract Society?

[Objected to.]

Ans. I do not know that I can say any thing in regard to that, more than I have said. At the time of the decease of Mr. Jones, we all contributed for the purpose of distribution of tracts, and left it with the officers of the Tract Society to make such disposition of the money as they, in their wisdom, saw fit; not knowing, at that time, that there was but one Society, as I have before said. Subsequent to the separation of the Boston and New York Societies, I think the people generally understand, and in making legacies they designate to which Society they wish it should go.

Int. 14. Will you state a little more fully, so far as you recollect, what was the general understanding, at the time of the decease of Mr. Jones, among the people connected with your religious society at Oxford, in regard to where the American Tract Society was located, and what it was doing?

[Objected to, as leading, and also as in substance a repetition of the former question, to which the witness has said he is unable to make further answer.]

Ans. I never heard the question discussed as to its location; we supposed there was but one Society until after his death.

Int. 15. Can you state whether you attended the meetings of your society in Oxford when the tract cause was presented by agents and others? and how far the operations of the tract cause throughout the country were made a subject of discourse on such occasions?

Ans. I always intended to be there when well. I should think that what we called the tract agent was there but once a year, but our minister very frequently talked about it.

Int. 16. Will you state what was your understanding, at the

time of the decease of Mr. Jones, as to what the American Tract Society was doing?

Ans. Well, I suppose they were engaged in printing and distributing tracts broadcast over the country; and I suppose that a good many were sent out of the country for distribution.

Int. 17. Where did you understand, at this time, that this work was principally carried on?

Ans. I suppose it was done at Boston and New York; more at New York, I suppose, as it was so much the larger place.

Int. 18. Will you state, as near as you recollect, what Dr. Bardwell said to you, if any thing, in regard to the meaning of the terms "The American Tract Society?"

[Objected to.]

Ans. Well, I don't know that he ever undertook to give me a definition of the terms "American Tract Society;" he told me, as I said before, that his sympathy was with Boston, but that the money belonged to New York, he and Dr. Sweetser.

Int. 19. Do you recollect whether you informed Dr. Bardwell of the form of the bequest, how it was expressed in the will? Please state what you told him on this subject, and what was his reply.

Ans. I did, I should think, in the express language of the will. His reply was, that the money belonged to the New York Society.

Int. 20. Can you state what was the general understanding at Oxford in your religious society, in regard to the relations between the Boston and New York Societies, at the time of the decease of Mr. Jones, as to which was the principal and which the subordinate, if either?

[Objected to as leading, and also as assuming not only what the witness has not stated, but what he has expressly negatived in his previous testimony, that it was understood at Oxford that there were two Societies.]

Ans. I cannot say a word different from what I have said. I never had heard then of two Societies.

Int. 21. Do you recollect whether Dr. Bardwell, at the time you conversed with him before you paid the money, assigned any reason why it belonged to the New York Society; and if so, what?

Ans. I should not dare to speak distinctly, nothing more than my impression, that the work was done there, the business carried on there, and I should think that he said that they were incorporated the oldest company; he assigned his reasons for giving me the opinion or advice for paying the legacy.

Int. 22. Do you recollect what he said, if any thing, in regard to

either Society being a parent Society or National Society, or Branch? If so, please state.

[Objected to, as leading.]

Ans. I cannot state distinctly the language he made use of; but Dr. Bardwell expressed to me that the New York Society was the one to have this money, and that was all I cared about.

Cross int. 1. I believe you are the defendant in the present suit.

Ans. Yes.

Cross int. 2. When you left for Boston, on the occasion to which you have referred in your direct testimony, you expected to pay this legacy to the Society in Boston, did you not?

Ans. I did n't know any thing to the contrary but what I should pay it there.

Cross int. 3. Was not that your intention, when you left home?

Ans. Yes, sir.

Cross int. 4. Was it after your arrival in Boston, that you were first informed that there was a Society in New York which might claim this legacy? and who so informed you, if you recollect?

Ans. It was after I came to Boston. My impression is that I was in the room of the A. B. C. F. M. I wanted to pay a legacy there, I think it was there that I was first informed of there being two Societies. I should n't dare to say who the gentleman was who first told me.

Cross int. 5. Before leaving home on that occasion, had you made any inquiries as to the proper place to pay the legacy? or had any doubt occurred to you on that point?

Ans. No, sir; as I have said before, I did n't know that there was but one Society.

Cross int. 6. Had not your religious society in Oxford been in the uniform habit of contributing to the Tract Society at Boston? and was it not the understanding of the patrons to the Tract cause in your society, that these funds should be received and appropriated by the officers of the Tract Society in Boston as they should deem best?

Ans. It was a practice of our society to contribute to the Tract cause. I did n't know whether the contributions were to be sent to Boston or New York. I did n't know of but one Society, and thought they would go to the proper place. I never thought of two Societies.

Cross int. 7. Did you not always understand that the amount con-

tributed by your society was forwarded to Boston, and distributed or applied by the officers there?

Ans. No, sir. I know we bought tracts of New York, how many or how often I can't say. I supposed that what we did not use specially to buy tracts went to Boston, but I should n't dare to say that I knew; but I should think that was true.

Cross int. 8. And did you not refer to the officers of the Boston Society in your answer to the thirteenth direct interrogatory, where you say, "we all contributed for the purpose of the distribution of tracts, and left with the officers of the Tract Society to make such disposition of the funds as they in their wisdom saw fit?"

Ans. I did mean that they should have the distribution of it if the officers of the Tract Society were in Boston, but I did n't know of but one Society.

Cross int. 9. Did you not understand that there was a Tract Society here, with its officers, treasury, and place of business, to which the contributions of the Tract cause were remitted from your and other societies, and by whom the Tract operations were conducted?

Ans. I did understand that there was such Tract Society here, and I think I supposed that the contributions of our society came to Boston, though I never made any inquiries.

Cross int. 10. So far as you know, was not that the general understanding of the patrons of the Tract cause in your society at the decease of Mr. Jones.

Ans. I should think it was.

Cross int. 11. According to that understanding at that time, would not a donation or legacy to the American Tract Society have been understood and intended to be payable to the Society at Boston?

Ans. Well, I think the people of Oxford intended their contributions to be to send tracts wherever they could send them, not knowing, as I have so often said, that there was but one single Society; if that had been known, there would have been some diversity of opinion.

Cross int. 12. Taking things as they existed at the time of the death of Mr. Jones, with the understanding which you have said then existed in your society generally, and their habit of contributing to the Boston Society, would not a legacy or donation to the American Tract Society at that time have been intended to be payable to the Society at Boston?

Ans. Well, I should rather think so, supposing that to be the American Tract Society.

Cross int. 13. Was not Mr. Jones, during his residence in Oxford, a constant attendant at your church, and a regular contributor to the Tract cause?

Ans. He was, when his health would permit, a very regular attendant, and a contributor to the Tract cause.

Cross int. 14. Did not Dr. Bardwell, in the conversation to which you have referred to in substance, express the opinion that although the New York Society might legally claim this legacy, that such a disposition of it would not be in accordance with the real wishes of Mr. Jones if he were alive to express them?

Ans. Not at the time I asked his advice and Dr. Sweetser's at Worcester.

Cross int. 15. Was there any conversation at that time in reference to Mr. Jones' real wishes?

Ans. Not a word, that I recollect, at that time.

Cross int. 16. Before Dr. Bardwell expressed the opinion to which you have referred, had you not stated to him in substance the information which had been given to you in Boston or elsewhere with reference to the claims of the New York Society?

Ans. I have no doubt that I did, as I went directly, I think, from Boston, and to Dewey, as I said before. I have no doubt that I did tell him and Dr. Sweetser. I think it must be that I did, what I had heard.

Cross int. 17. And was not that opinion predicated upon that information, and the other facts in reference to the incorporation, etc., stated by Dr. Bardwell, to which you have testified?

Ans. I cannot say what base the doctor had to predicate such opinion. I should n't think that I had sworn that he had told me, *at that conversation*, that the New York Society was the oldest incorporated company, or its history, *at that time.* I think it was from information that he subsequently got, that made him change his opinion.

Cross int. 18. Did not the opinion which he expressed at this first conversation follow upon the statement which you made to him of the information which you had derived at Boston or elsewhere in reference to the two Societies? and did he state any other ground or reason for his opinion? if so, please give it.

Ans. I have no doubt that I told Dr. Bardwell and Dr. Sweetser that I learned at Boston that there were two Societies, and my only object was to get their opinion; and I have no doubt that he express-

ed his opinion after I told him. I heard nothing of the age of the corporations, but gave to him the language of the will, and then heard their advice or opinion. I don't know that he did state any other grounds or reasons for his opinion; I do not recollect what all his reasons were.

Cross int. 19. State any reason which he did express, if any?

Ans. I cannot say distinctly and definitely, but I supposed that he thought that New York was the American Tract Society by his advising me to pay the money there.

[Answer objected to as not responsive to the question, and as incompetent, because the witness gives his own suppositions when asked to state conversation.]

Cross int. 20. Will you please answer whether Dr. Bardwell then gave any reason, which you now recollect, and can state, for the opinion which you say he then gave, that the money belonged to New York

Ans. I cannot distinctly recollect the language or the reasons which he assigned.

Cross int. 21. Where and when did this conversation take place? in whose presence? and how long did the interview last?

Ans. At the Bay State House, Worcester; I cannot recollect the day. There was a conference of the ministers of our association met, and they were all there. I can't say how long it was.

Cross int. 22. Do you mean to say that this conversation was a public one, in the presence of all these gentlemen, or was it a private one? if so, please state all who were present and heard the conversation, and took part in it. Was Dr. Sweetser one of the parties to this conversation?

Ans. I mean to say that this conversation with Dr. Bardwell was in the Bay State House, in the dining-room, at the close of dinner. I went to Messrs. Dewey and Williams' office for advice in regard to the payment of this legacy. They told me that Dr. Sweetser knew all about it, more than all the lawyers. I took a carriage, and while driving to Dr. Sweetser's, met him coming down to the conference. I talked with the doctor, told him my case, and that I wanted to ask him a question of law. He said he was a little better acquainted with gospel than law. We talked it over till we got to the Bay State. He told me, as I have said before here, that his sympathy was with Boston, but that the money belonged to New York. After dinner, Dr. Sweetser, Dr. Bardwell, and myself, and I do n't know who else were around; I did n't care about any body else but them. They agreed in the destination of the money. Dr. Bardwell expressed

the same feelings that Dr. Sweetser had; and soon after, I can't say on the same day, I sent a check.

[All testimony of conversation not in the presence of Dr. Bardwell is objected to as not responsive to the question, and otherwise incompetent, by the cross-examining counsel.]

Cross int. 23. Your conversation with Dr. Bardwell, as I understand, then, and at which Dr. Sweetser was present, was in the dining-room of the Bay State House as you were leaving the table; did not you or Dr. Sweetser then state to him the view which Dr. Sweetser entertained upon the statement of facts as you had been informed of them in Boston, and did Dr. Bardwell do more than assent to the opinion which Dr. Sweetser had thus expressed?

Ans. It was at the Bay State House, in the dining-room, that Dr. Sweetser and Dr. Bardwell were there, and we three talked together. The subject of this bequest was discussed by us there; and as I have said before, Dr. Bardwell said that his sympathy was here, but that the money belonged to New York.

Cross int. 24. Was not this interview a very short one? Did it last longer than while you were proceeding from the table out of the room?

Ans. The interview was not long. Our conversation was not as we were passing out. We three together, and that two of us were sitting, I think.

Cross int. 25. By the expression in your last answer but one, "the subject of this bequest was discussed," do you mean any thing more than that you or Dr. Sweetser stated to Dr. Bardwell what information you had received, and the opinion which Dr. Sweetser had expressed to you, and that thereupon Dr. Bardwell assented to that view?

Ans. I do n't know that I mean any thing more than that. It was only their opinion that I desired on the subject we were talking about, the disposal of that legacy.

Cross int. 26. Do you know by whom Mr. Jones' will was written?

Ans. I think by Mr. Dewey of Worcester. I may be wrong.

Cross int. 27. Please look at Exhibit O, J. E. M., Com'r, and say whether the signature Alex. De Witt is yours, and whether the contents of said Exhibit are true?

Ans. First, it is my signature. I have no doubt I felt that the contents were true, and would do so now if I read it.

Cross int. 28. Will you please read it, and say if the contents are true?

Ans. I think it's true, with the exception of what little money was sent to New York to buy tracts, as I said before.

[The counsel for the American Tract Society, Boston, here notifies the counsel for the American Tract Society, New York, to produce a letter to the Secretary of the American Tract Society, New York, dated Oxford, July 11, 1859, signed by H. Bardwell and Alex. De Witt.]

Cross int. 29. Please state whether you jointly with Dr. Bardwell did not address a letter to the Secretary of the American Tract Society, New York, in reference to the said legacy of Mr. Jones, which had been paid to them? and whether, to the best of your knowledge, the Exhibit P, J. E. M., Com'r., now produced, is not a correct copy of that letter?

Ans. I did write, in connection with Dr. Bardwell, a letter to the Secretary of the American Tract Society, New York. I have no doubt that Exhibit P is a copy.

Cross int. 30. Did the Tract Society at Boston make a demand upon you for the payment of this legacy before this suit was commenced, or request you to pay the same? and did you decline to do so?

Ans. Mr. Rand, I think, wrote me a letter demanding payment of this legacy in behalf of that Society, which I declined to pay.

Cross int. 31. Did the New York Society, at the time you paid this legacy to them, or at any time, give you a bond of indemnity on account of said payment?

Ans. Yes; at the time of the payment.

Cross int. 32. Did you not decline to pay to them until you received such bond of indemnity?

Ans. I sent this money or check by a gentleman by the name of Jocelyn, saying to him to pay them the money upon their giving me a paper to refund it, in case I had paid it wrongfully.

Direct resumed int. 1. Will you state, as nearly as you can recollect, the time you paid over this money to the New York Society?

Ans. Well, I should think it must be the last of 1858, or the early part of 1859; I cannot say the precise day.

Direct resumed int. 2. Who drew up the letters you sent to the two Tract Societies in July, 1859?

Ans. The Rev. Dr. Bardwell.

Direct resumed int. 3. Can you state how he came to draw it?

Ans. I think that Dr. Bardwell went to make inquiries everywhere he could get information in regard to this affair, after having given me his opinion in regard to the payment of the legacy, to show a statement of facts, as he thought, such as did n't exist at the time. He did n't understand how it was.

Direct resumed int. 4. Will you state when you were first consulted in regard to these letters, and by whom?

Ans. I should think by Dr. Bardwell, and I do n't know but that there was a gentleman from Boston there, Mr. Alvord. I will not say whether he mentioned these letters or not. No one else but Dr. Bardwell and this gentleman, though I will not swear that he did. I think this was in the early part of July; it could not be more than a few days before they were written, I should think.

Direct resumed int. 5. Will you state whether Mr. Alvord was present at the time Dr. Bardwell first consulted you, and what was said to you on that occasion?

Ans. Dr. Bardwell and Mr. Alvord were at my house together to talk over this matter. I cannot recollect the conversation that took place at that interview.

Direct resumed int. 6. Will you state how far you were consulted in regard to the form of these letters?

Ans. I do not think that I had seen them or known their contents until I signed. I do n't think I was consulted about it. We had talked about this subject a good deal; he had got this new light, as he thought, what he thought were new facts in regard to the case, which he did n't understand at the time he gave me the advice.

Direct resumed int. 7. Will you state how far these new facts that Dr. Bardwell thought he had discovered were embraced in these letters?

Ans. I should n't think that there was much of these facts embraced in these letters. Dr. Bardwell, at these interviews, spoke of the Boston being the oldest Society—a thing which he did n't know before. He thought that this was a Branch. He held that he had misunderstood it.

Direct resumed int. 8. Can you state any other facts which Dr. Bardwell mentioned as being the foundation of his change of opinion, except those you have already mentioned, and those embraced in the letters?

Ans. I cannot recollect conversations. I never expected to be called upon, and I cannot recollect.

Direct resumed int. 9. Will you state whether you had any means

of knowing what Mr. Jones' preferences were in regard to the disposition of this legacy?

Ans. Not a particle.

Direct resumed int. 10. Can you state how the contributors of the Tract cause at Oxford generally expected their contributions to be applied, in reference to the Tract work throughout the country and the world, so far as you know?

[Objected to, as having been gone into in chief.]

Ans. Well, I think they intended to pay their money in to the American Tract Society, for the purpose of distribution through the United States and the world.

Direct resumed int. 11. Will you explain what you mean by the expression in your answer to the twelfth cross-interrogatory, "supposing that to be the American Tract Society?"

Ans. When we sent out to the American Tract Society, we supposed that they were the American Tract Society, and never knew any thing different. We supposed that our minister or treasurer, or whatever he was, would send the money to the proper place, to the American Tract Society.

Direct resumed int. 12. Can you explain a little more fully, how you expected the money paid at Boston would be applied to Tract operations throughout the United States and the world; if you had any information upon that subject?

[Objected to as before, and as not being in reply.]

Ans. Well, I had no definite information upon that subject. I supposed it would all go right.

Cross int. 33. Do you mean, in any of your answers on the direct resumed examination, to be understood as saying, or as intimating, that you did not sign the letters referred to understandingly, or that you signed them through any improper influence?

Ans. No, I do n't mean to say any such thing. You could n't get Dr. Bardwell to do that, if you should try.

Cross int. 34. Are you positive in your recollection, that in the conversation referred to just previous to the writing of these letters, Dr. Bardwell used any language about one Society being a branch of the other?

Ans. I am confident that Dr. Bardwell made use of that language. I did not say that it was immediately before writing those letters. I mean that it was in the conversation when Dr. Bardwell advised

me to pay the money over to New York, and then new light came before writing these letters.

Direct resumed int. 13. Will you state whether Dr. Bardwell stated to you, before signing these letters to the Tract Societies, that he had obtained any new views in regard to the Boston Society being a Branch of the New York Society? and if so, what he stated upon that subject?

[Objected to, as not being in reply, and as having been gone into in the direct and direct resumed.]

Ans. Well, Dr. Bardwell's views were changed; instead of being an Auxiliary or Branch, that the Boston Society was the oldest one.

ALEX. DE WITT.

[Pursuant to agreement, the examination was here, at three-quarters past 4, P. M., adjourned until 9 A. M. of Friday, July 11th, 1862.]

[Pursuant to adjournment, the examination was resumed at 9 A. M. of Friday, July 11, 1862.]

TESTIMONY OF MARY PEASE.

Int. 1. What is your name, age, residence, and occupation?

Ans. Mary Pease; 68; South Deerfield; no particular occupation.

Int. 2. Will you state what relation the late Luman Pease of Deerfield bore to you?

Ans. He was my husband.

Int. 3. How long did you live together at Deerfield?

Ans. Twenty-seven or twenty-eight years; I think it was twenty-seven.

Int. 4. What was Mr. Pease's business during that period?

Ans. Mercantile business and manufacturing.

Int. 5. Will you state where he made his purchases and sales, principally?

Ans. Generally in New York, the heaviest part of his business.

Int. 6. Will you state, as nearly as you can recollect, what portion of his time, for the last ten years of his life, he was accustomed to spend in New York?

Ans. I can't tell in particular, but it was a good part of it. Sometimes he was absent eight and ten weeks at a time.

Int. 7. Will you state how much time he was accustomed, during this period, to spend in Boston, if any?

Ans. He did n't spend but a small share of it in Boston. I do n't know that he ever stayed over two or three weeks. He did n't do much business here, to what he did in New York.

Int. 8. Will you state where Mr. Pease died, and at what time, as nearly as you can recollect?

Ans. He died in New York, on the 21st day of September; it will be three years come September. He went to New York Monday, was taken sick Tuesday, and died on Wednesday morning.

Int. 9. Had he been sick at all before this attack?

Ans. Perfectly well until Tuesday morning.

Int. 10. Can you state his age?

Ans. Sixty-eight years.

Int. 11. Do you recollect how long he lived after the separation between the Boston and New York Tract Societies?

Ans. I could n't say how long; you can tell better than I can: you know when the withdrawal was; he lived till 1859.

Int. 12. Can you state how long the separation between these Societies became a subject of conversation at South Deerfield before Mr. Pease's death?

Ans. Soon as they separated, or withdrew, it became a subject of conversation and newspaper discussion.

Int. 13. Will you state what religious newspapers Mr. Pease took at this time?

Ans. He took the New York Observer, and the American Tract Messenger.

Int. 14. Will you state how long he had taken these newspapers? and whether he was in the habit of reading them constantly?

Ans. We had taken the Observer more than thirty years, and I should think the Messenger pretty well up to that time. He read them a great deal, read them through.

Int. 15. Can you state whether Mr. Pease was accustomed to contribute to the tract cause, and how liberally, before the separation of the two Societies?

Ans. He thought a good deal of the cause, and he was considerable liberal in contributing.

Int. 16. Can you state whether he continued to contribute after the separation of the two Societies?

Ans. I never knew him to contribute any thing; if he did, he did

it unbeknown to me. He never gave any thing when they took up the contribution at the church.

Int. 17. Can you state any conversation you had with him on that subject after the separation?

[Objected to.]

Ans. He was n't willing to contribute any thing to go to Boston because he did n't approve of the withdrawal. I asked him why he did n't contribute, and he said he would n't give any thing to go to Boston, because he did n't approve of the withdrawal. I was a mind that he should put in, but he would n't do it. I told him, for the looks of it merely, for he was always in the habit of contributing; and then to stop right off, I did n't like it.

Int. 18. Can you state whether or not he contributed any thing to the Boston Society after the separation?

Ans. I can't say that he contributed to either Society after that. He never contributed to the Boston, and if he did to the New York it went right in from his hand; I do n't know that he ever did to the New York.

Int. 19. Can you state, from any thing that Mr. Pease said or did about this time, or at any other time, what were his expectations at the time of his death in regard to where his legacy to the American Tract Society should be paid?

[Objected to.]

Ans. I can't say that I ever heard him say a word, after his will was written, where his legacy should go. Can't remember as he ever said a word any way about it.

Int. 20. Can you state which Society, whether Boston or New York, he preferred to patronize at the time of his death?

[Objected to, as leading and incompetent.]

Ans. He would n't Boston, and I do n't know that he would to New York. If he had spoken his mind about it, I 'd have known better. I know he would n't pay any thing to Boston.

Int. 21. Can you state how Mr. Pease used and understood the expression, American Tract Society, from the date of his will to the time of his decease?

[Objected to as leading, and as a repetition in substance of a question already answered by the witness.]

Ans. I do n't know as I get hold of that; I do n't know what you mean. I guess he did n't know that there was but one Society, if that 's what you want to have me answer.

Int. 22. Can you state what was generally understood by the American Tract Society at South Deerfield, for ten years previous to the separation between the two Societies? and where it was situated and doing its business?

Ans. It was considered that there was such a Society; we do n't say Societies, but one Society. We considered one Society till after the withdrawal; we supposed of course, after that, that there was two Societies. I do n't know that we ever formed much idea about where it was situated and doing its business, until after the withdrawal.

Int. 23. Can you state how frequently Mr. Pease was accustomed to speak of the withdrawal of the Boston Society from the New York Society? and how he spoke of it?

Ans. He would frequently speak of it when he was reading of it, or when there came round a contribution or any thing; it was n't a daily conversation. He did n't favor the withdrawal; he was very much opposed to that. The expense and all, he said: it was a great deal more expensive; and though they spent more money by it, did n't have so much to publish with.

Cross int. 1. Before the separation, Mr. Pease was in the habit of contributing yearly to the Boston Society, was he not?

Ans. I can't say whether he contributed to go to Boston; we took up a contribution in church, and I can't say as to where it went to after that.

Cross int. 2. Did not you and he always understand that these contributions went to Boston? and have you not testified that after the separation he declined to contribute in church, as had been his custom, because he did not wish his contributions to go to Boston?

Ans. I can't say that when Mr. Strong collected money, where he put it; he 's been here, and would have told you. I can't say whether it went to Boston or not. He would n't have his contributions go to Boston then, if they did before; I think likely they did.

Cross int. 3. Did not Mr. Pease always understand, before the separation, that his contributions went to the Boston Society? and was not that the reason why he declined, after the separation, to contribute in church, as you have stated?

Ans. Well, he supposed that it was paid into the Boston Society, and went from there into the other Society; that, I suppose, is the way he thought it went; I do n't believe he knew that there was more than one Society.

Cross int. 4. Did you ever hear him say, previous to the separation, or at any time, that the money which he contributed, and which was sent to the Boston Society, was not appropriated by the officers of that Society to tract purposes? and that it was sent to New York for that purpose?

Ans. He did n't mention any thing about it; he paid in his money, and supposed it went for the benefit of the Society.

Cross int. 5. Was he not a life-member for many years of the Boston Society?

Ans. He was a life-member, but I can't say whether of the Tract Society, or what.

Cross int. 6. Did he not have a certificate of his life-membership of that Society? and how long did he have it before his death? and where did he generally keep it?

Ans. He was a member of some society, but I could n't tell now whether he was of a Tract Society or not; I could tell very quick if I could see the certificate. I can't tell how long before his death, seven or eight years I should think. We kept it in a drawer; it 's there now.

Cross int. 7. Will you please furnish it to the Commissioner, to be annexed to your deposition?

Ans. Yes, I will.

Cross int. 8. Do you recollect his having any conversation with you about the time the money was sent to make him a life-member, as to his desire to become a life-member?

Ans. Not any at all, for he knew nothing about it until it was presented to him. The church made him a life-member.

Cross int. 9. After it was presented to him, do you not recollect of his speaking of it, and the gratification which it gave him?

Ans. He thanked Mr. Strong as I would thank any one that made me a present; but it never benefited him any thing, but has lain in the drawer ever since.

Cross int. 10. Then are we to understand that he never spoke to you at the time of any gratification he experienced in having been made a life-member by his friends in the church to which he belonged?

Ans. I never heard any thing particular, because it was laid out of sight, and he never had any benefit from it. He did n't manifest any thing very particular about it, any more than to think he was noticed.

Cross int. 11. Were his contributions to the Tract cause ordina-

rily made by a contribution in church previous to the separation? or in what form did he make his contributions?

Ans. He generally put it into the box as it came round in church.

Cross int. 12. Are you sure that any collection for the Tract cause was taken up in your church after the separation of the two Societies, before the death of Mr. Pease?

Ans. I certainly know of one, and I guess there were more.

Cross int. 13. How often during the year were collections for the Tract cause taken up in your church?

Ans. Why, we take up a contribution every month, and I think the Tract cause comes on twice a year.

Cross int. 14. Are you quite sure that it is twice, and not once a year?

Ans. I can't say whether it is twice; but I think it must be as often as twice that it comes around.

Cross int. 15. You do not know, as I understand, of his giving any thing to the New York Society, after the separation between the two Societies?

Ans. I have said that I didn't know that he had; if he did, he paid it in unbeknown to me.

Cross int. 16. Didn't he think that there was some fault in both Societies in reference to this separation?

Ans. I can't say as I ever heard him mention.

Cross int. 17. Did you ever hear him approve of the course of the New York Society in reference to the separation? Didn't he express some dissatisfaction with it?

Ans. He favored the New York Society after the withdrawal as much as he did before. I never heard him express any dissatisfaction at all with the New York Society.

Cross int. 18. Did you ever hear him express any opinion, one way or the other, in reference to the New York Society, after the separation?

Ans. I can't tell you if I ever heard him express any thing very serious about the matter. I know he didn't approve of the withdrawal; that's all I've got to say about that.

Cross int. 19. Did you ever hear Mr. Pease say that he did not know there was a Society at Boston and a Society at New York, until after the separation?

Ans. I don't think he knew it. I don't know but he knew that there was a Branch in Boston.

Cross int. 20. The former question repeated.

Ans. I never heard him say any thing about it, one way or another, until after the separation.

Cross int. 21. Did you ever hear him say any thing about one being a Branch of the other?

Ans. I never heard him discuss the matter much any way, until after the separation. I suppose that he thought the Boston Society paid into the New York Society; that's what I thought.

[The latter clause objected to, as not responsive.]

Cross int. 22. Will you now please state whether you ever heard Mr. Pease say any thing about one Society being a Branch of the other?

Ans. I never heard him say any thing about it; but I guess if he was alive now, and was here before you, he'd tell you what he thought about it.

Cross int. 23. Do you mean to be understood that Mr. Pease was away from home the greater part of each year?

Ans. It seems as though it was the biggest part of the year, he was gone so much.

Cross int. 24. Have you any reason to suppose that when Mr. Pease made his will, that he did not then intend and expect that his legacy to the American Tract Society would go where his contributions had always gone?

Ans. I think his object was to have it go right into the Tract Society; I can't tell when or where. I think he thought there was but one Society. His contributions went into the church, and the church sent them where it was a-mind to.

Cross int. 25. So far as you know, did he not then intend and expect that his legacy should be paid and applied in the same manner as his contributions had been? Did he intend that it should have any different destination or application from what his contributions had had, so far as you know?

[Objected to, as founded upon a comparison which it is n't competent for the witness to make, or possible for her to answer.]

Ans. I can't say, because he never said. I can't remember his stating any thing about it.

MARY PEASE.

TESTIMONY OF ROBERT M. PEASE.

Int. 1. What is your name, age, residence, and occupation?

Ans. Robert M. Pease; 42; South Deerfield; manufacturer.

Int. 2. Will you state how long you were acquainted with the late Luman Pease, and how you were connected with him and his business, and for how long a period?

Ans. My acquaintance commenced with him in 1839. In 1848 I entered his store as a clerk, and continued as his confidential business agent and partner in manufacturing till the close of his life. I was no relation to him.

Int. 3. Will you state whether you attended the same place of religious worship with Mr. Pease, and for how long?

Ans. I did, during the time that I was connected with him in business.

Int. 4. Will you state how far you were acquainted with his views and feelings in regard to the Tract cause; whether you heard him speak of the same, and what he said; and what means you have of knowing how he desired to have his legacy to the American Tract Society go?

[Objected to.]

Ans. He was interested, from conversations I have had with him, in the Tract cause, in common with other benevolent charities of the day, and to my knowledge was a liberal contributor to most of the objects presented by our pastor for our contributions. At the time of the separation of the Tract Society, we were accustomed to read and discuss the speeches made at the anniversary, as published in the New York Observer. Without being able to recall words that he said in those discussions, I know that he always expressed himself in a manner to lead me to suppose or believe that the American Tract Society was one, and that a separation, or division rather, was to be deplored; and that he strongly condemned and disapproved of the course of what, I believe, he used to denominate faction.

In our village, at the time of this separation or division of the Tract Society, most men interested in such subjects took sides. A majority of our villagers being strongly anti-slavery in sentiment, took sides in favor of the Boston Branch. Discussions upon the subject were frequent in the store, in which Mr. Pease took a part. He

invariably spoke in strong terms in condemnation of a separation of the American Tract Society. The reasons he gave against a division were twofold: first, being conservative on the slavery question, he thought it inadvisable to publish anti-slavery tracts; that the efficiency of the Society would not be increased by doing it; that by publishing anti-slavery tracts, the aims of the Society would be diverted from the original purpose. Another reason, that by having two distinct Societies, the number of officers to manage them would necessarily be increased, and diminish the funds of the Society to the amount of the salaries of the increased number of officers. From his mode of discussing this question, I am led to the conviction that he considered that there was but one American Tract Society, and that the New York Society was the parent Society. In reply to the last branch of this question, from his approval, frequently expressed in my hearing, of the managers of the New York Society, and disapproval of the course of the Boston Society, I am fully convinced that it would have been his wish for his legacy to go to the New York Society.

[This answer is objected to by the Boston Society, because it is in the main composed of the inferences, suppositions, constructions of conversations, instead of the language, or the substance of the language and arguments of the witness, and not of what is legitimately testimony.]

Int. 5. You have stated in your last answer that Mr. Pease considered the New York Society as the parent Society of the American Tract Society; can you state how he regarded the Boston Society in relation to the American Tract Society?

[Objected to for form and substance.]

Ans. From the tenor of the conversations had in my presence on the subject of the division, or the separation rather, I should judge that he considered it auxiliary to the New York Society.

[The Boston Society make the same objection to this answer as to the preceding.]

Int. 6. Will you state what views were entertained by the contributors to the Tract cause in the Congregational society at South Deerfield, preceding the separation of the two Societies, in regard to the relation subsisting between the Boston and New York Societies? and which of these two Societies had the general agency and control of the Tract work throughout the country and the world, as far as you know?

[Objected to for form and substance.]

Ans. My own impressions, and that of several with whom I have conversed, were that the New York Society was the main or parent Society; that its operations were extended throughout the world; while the Boston Society was but an auxiliary to collect funds within the territory of the New England states, for which funds it accounted to the New York Society. These were my own views and that of two-thirds of all with whom I have spoken on the subject of the relations subsisting between these Societies preceding the division. My own impression was, up to the time of the division, that the funds collected in our church for the Tract Society were paid into the New York Tract Society; and that if they were sent to Boston, it was because our pastor had an opportunity of sending it, and did so as a matter of convenience. On two different occasions I deposited with our pastor the sum necessary for making two different members of my family life-members of the American Tract Society. I supposed that the funds would go to New York, and was much surprised on visiting the Society's rooms there, not to find their names there as members of that Society; and even after I ascertained the fact that there were two Societies, I still regarded the Boston as auxiliary up to the very time that the separation took place.

[Objected to as above.]

Int. 7. Will you state what were the views of Mr. Pease, as far as you know, before the separation of the two Societies, in regard to the relations previously subsisting between them? and how far his views coincided with those you have already expressed as being entertained by the contributors to the Tract cause in South Deerfield?

[Objected to for form and substance.]

Ans. His own views and mine on the subject coincided perfectly. I believe that his own views harmonized with what has been stated in the previous answers as regards the relations existing between the two Societies.

[Objected to as above.]

Int. 8. Can you state what Mr. Pease did in regard to contributing to the Tract cause after the separation of the Boston Society?

Ans. From my own knowledge, I cannot.

Int. 9. Did you ever hear him say any thing on the subject?

Ans. Undoubtedly I have, but cannot recall the words.

Int. 10. Will you state the substance of what he said, so far as you can recollect?

[Objected to.]

Ans. That he in common with some three or four others who had been contributors to the Tract Society, after the division took place between the two Societies, would decline continuing their contributions as before, for the reason that it was ascertained that our pastor sent the avails of each contribution to Boston, and that as they disapproved of the course of the Boston Society, they should entirely withhold their support from it. Mr. Luman Pease was of the number of those who thus refused to contribute to the Boston Society for the reason just assigned. Our pastor, on learning that this state of feeling existed among a portion of the contributors, gave public notice that those desiring to have their contributions sent to the New York Society could enclose their donation in a paper endorsed for New York; such sums he would send there. It 's my belief that Mr. Pease immediately, under that new state of things, resumed his contributions to the Tract Society.

[Answer objected to as above.]

Int. 11. Can you state what religious newspapers Mr. Luman Pease took for the ten years preceding his death? how far he was accustomed to read them? and how far his own views coincided with those maintained by such papers in regard to the subject of slavery, and the separation of the Boston Society from the New York Society?

[The last clause of the question objected to for form and substance.]

Ans. He took the New York Observer and the American Messenger, of both of which he was a constant reader; and his own views were coincident with those advocated by those papers on the subject of slavery, as on all others. He formed, to a great extent, his views of the separation from what he read in the New York Observer. Views that he expressed in conversation were in harmony with those advocated by that paper, whenever the subject of slavery or the separation of the Tract Society was a subject of conversation.

[Objected to as above.]

Cross int. 1. When did you first know that Mr. Pease had given a legacy to the American Tract Society?

Ans. I did n't know it positively till I heard the will read after his death.

Cross int. 2. When did you first hear that he had given such a legacy?

Ans. Can't say.

Cross int. 3. Before, or after his death?

Ans. I only knew before his death from hearsay, hearing him speak of it occasionally, that he should leave legacies to several different benevolent societies, without defining what societies they were.

Cross int. 4. I understand then, you never did hear him say any thing about a legacy to the American Tract Society specifically?

Ans. I have not, to my knowledge.

Cross int. 5. And you did not know until after his death that such a legacy had been given?

Ans. I did not.

Cross int. 6. Can you state that the particular relations of the Boston Society and the New York Society to each other were ever a subject of conversation or discussion, to your knowledge, with any of the members of your religious society in South Deerfield until at or about the time of the separation between the two Societies?

Ans. No, sir.

Cross int. 7. Did you ever hear it made a matter of conversation or discussion with Mr. Pease until at or about that time?

Ans. I have not.

Cross int. 8. Did you ever hear Mr. Pease say where his contributions went, or by whom they were distributed?

Ans. I do not remember. I can't remember the words, but he was one of those who complained—this was subsequent to the separation—that our pastor was sending all the contributions to Boston against the wishes of a part of the contributors.

Cross int. 9. His objection to his contribution being then sent to the Boston Society was on account of his objection to their course in the separation, was it not?

Ans. To that, and the course they pursued with reference to the slavery question; all things that constituted a difference between the two Societies.

Cross int. 10. Did you ever hear Mr. Pease say that the New York Society was the parent Society?

Ans. I do n't know that I heard him use those words.

Cross int. 11. Can you state any conversation that you ever heard of Mr. Pease in reference to the two Societies, except what related to the subject of slavery and publications on that subject, and the course which the Boston Society had adopted in that matter in its separation from the New York Society? Was not that the topic of conversation or discussion?

Ans. One other in addition to that was the increased expense of

maintaining two separate and independent Societies, and his general hostility to any thing like a schism in a Christian Society.

Cross int. 12. Have you any personal knowledge whatever that Mr. Pease ever contributed a dollar to the New York Society after the separation?

Ans. I can't swear that I saw him take out a bill and put in the contribution-box for that object; if I had, I might not have known whether it was a good bill.

Cross int. 13. Is that the only answer you can give to the former question, as to whether you have any personal knowledge of his contributing to the New York Society?

Ans. I can give a briefer one, but not a more truthful or expressive one.

Cross int. 14. When did you first learn or understand that it was the business of the Boston Society to collect funds in New England and send them to New York? and from whom?

Ans. I can't remember how I learnt it, or from whom, or when.

Cross int. 15. When, in reference to the separation of the two Societies?

Ans. Undoubtedly before the separation; always since I had any knowledge of it I understood that it was an auxiliary.

Cross int. 16. Then you understood that there was a Society at Boston?

Ans. Not until I made two members of my family life-members by handing Mr. Strong the requisite contribution, and then finding the certificates dated at Boston; that's the first knowledge I had of the Boston Society, as I now recollect.

Cross int. 17. When was this?

Ans. I should think it was in 1844 or 1845.

Cross int. 18. Then since then you have been aware that there was a Tract Society in Boston which had life-members, have you not?

Ans. Not until after the separation did I ever regard this as any other than an auxiliary; not considering it a Society separate, but a branch of the New York; those were always my firm convictions.

Cross int. 19. Did you not then know that it was a Society which had a life-membership of its own? and did not these very certificates to which you have referred so inform you?

Ans. They never conveyed that opinion to my mind. They were dated at Boston, our pastor having, as I subsequently learned, sent the money there because, as I suppose, it was more convenient to do

so. I never considered that there was but one American Tract Society, and that their headquarters were in New York.

[Objected to as irresponsive.]

Cross int. 20. Did you ever become a life-member of either Society? and which, if either?

Ans. Of neither.

Cross int. 21. Did you not know, previous to the separation, that there was a Tract Society in Boston which had its annual anniversary; which issued its Annual Reports; which had its established place of business, where tract operations were conducted and carried on? or were you entirely ignorant of each and of all these particulars?

Ans. I must confess that I was ignorant of all those particulars; that I did n't know them; that I was not acquainted with the facts, if they were facts.

Cross int. 22. Did your views in reference to the separation of the two Societies coincide with what you have stated to have been the views of Mr. Pease on that subject?

Ans. They did, and do.

Cross int. 23. Have you prepared for any one, in writing, any memorandum of what your testimony might be in this case? or has any memorandum been exhibited to, or read by you in reference to any of the topics to which you have testified?

Ans. No memorandum. I prepared, at the solicitation of George T. Davis of Greenfield, the affidavits of the Rev. Mr. Strong, Mrs. Pease, and myself as to what our opinion—judgment—was, from our intercourse with Mr. Pease, as to our knowledge and belief as to his wishes as to which of the two Societies his legacy should go.

Cross int. 24. Have you never received or seen any letter or writing in reference to the relations which these two Societies sustained to each other, or any other topic upon which you have testified?

Ans. None whatever, except a letter from Mr. Eastman, requesting my attendance and that of Mrs. Pease.

Cross int. 25. Have you ever had any interview or conversation with any officer of the New York Society, with reference to the subject of your testimony in this case? if so, with whom, where, and how often?

Ans. On two occasions in New York; the first I should think in March last, and the second in June. I called on Mr. Eastman, one of the Assistant Secretaries, at their office in New York, for the purpose only of giving my reasons for not attending as a witness here,

on the occasion of the examinations which took place a little before the times I called on him. We had some conversation connected with the matter, short. He suggested to me, that I had better inform myself what were the opinions of the leading citizens of South Deerfield, as to the relations between the two Tract Societies previous to the separation. This was the only thing of interest for you to know, and is all that I recollect definitely of the conversation.

Cross int. 26. Did he then state to you what his views on that subject were?

Ans. I think not.

Cross int. 27. Did he at any time?

Ans. Never, to my best recollection.

Cross int. 28. Please give us the language, as near as you can, in which he requested you to ascertain what the views were of the people of Deerfield in reference to the relations of the two Societies; and how did he state, if at all, that this was of any importance or bearing in the present controversy?

Ans. I do n't think that I can remember the language any more definitely than I stated it. I think he said that was an important matter to decide; but how it was important, he did n't explain.

Cross int. 29. What did he say was important?

Ans. I'm not positive that he said any thing was important: my impression is, that he told me it was important to ascertain the opinion of the villagers as to whether there were two Societies, or one Society; I am not sure that he said any thing was important, but that was the inference I drew from the conversation.

Cross int. 30. And were your inquiries in South Deerfield, in reference to the impressions there as to the relations of the two Societies, made wholly or chiefly after this suggestion of Mr. Eastman?

Ans. I should think it was. I am not positive about that, but I should judge so, as I thought it a settled thing that they were one Society previous to that.

Direct resumed int. 1. Will you state if Mr. George T. Davis is and has been acting as counsel for the estate of Mr. Luman Pease?

Ans. He has been; I do n't know whether he is, or not.

R. M. PEASE.

[Begun July 16th, 1862, at 4 P. M.]

TESTIMONY OF WILLIAM A. HALLOCK.

Int. 1. Will you state your name, residence, age, and occupation.

Ans. William A. Hallock; New York; age 68 years. I am a native of Massachusetts, and after graduating at Williams College and at the Andover Theological Seminary, I have devoted my life for nearly forty years to the Tract Society—first for two and a half years to the New England Tract Society, whose business was chiefly done at Andover, its anniversaries being held in Boston; and then for thirty-seven years to the National American Tract Society, which I aided to form in New York in 1825.

Int. 2. Will you state your connection with the Tract Society, Boston, the nature of your employment, and the operations of that Society during your connection with it?

Ans. Before answering directly, I wish to state that my heart rebels against a lawsuit between these two Societies, so long and happily identified in spreading the gospel of Christ. While I have never doubted that the testators of the legacies in question intended them for the National Society located in New York, I would rather have left the other Society to collect them all if they could, or have all lost to both Societies, than that the interests of both and of religion should be compromitted by such a lawsuit. But as renewed attempts for harmonious adjustment have failed, and a suit is in progress, the Society I serve being the defendant, I yield to the apparent necessity of stating whatever facts within my knowledge may be desired.

On graduating at the Andover Seminary, September, 1822, I became the sole Agent of the New England Tract Society, and in May, 1824, its Assistant Secretary, and continued in its service till May, 1825, when the National Society was formed in New York, of which I was elected the Corresponding Secretary.

When I entered the service of the New England Tract Society, its operations were small compared with tract operations of the present day. The total donations received in six years after its formation were in all less than $1,000. The agency of Rev. Louis Dwight for one year, 1819–20, quickened its movements, and in the year end-

ing May 1, 1822, the donations received were $1,091 ; receipts for sales, $2,607 ; debt at the end of the year, $1,448.

My first efforts were to collect donations, by preaching in the churches in Massachusetts and New Hampshire, and by circulars, correspondence, and all other practicable means. It was soon found necessary to give attention to the Publishing department, errors of the press, improvements in the quality of the paper and printing, introducing stereotyping, engravings, and the issuing of children's tracts. As a means of giving impulse to the Society, application was made in 1823 to the legislature, and its name was changed from the "New England" to the "American" Tract Society; in June, 1824, the Tract Magazine was started, and before the close of that year I prepared the "Proceedings of the First Ten Years" of that Society. [Exhibit A, J. E. M., Com'r.]

In the year ending May, 1824, its total receipts were upwards of $8,000 ; in the year ending May, 1825, $10,802.

During my connection with that Society at Andover and previously, I became well acquainted with most of its officers and founders ; especially with Rev. Dr. Justin Edwards its Secretary, who was my principal counsellor, Rev. Dr. Church of the Executive Committee, Mr. Blanchard the Treasurer, Messrs. Flagg and Gould the printers and agents of the depository, the Hon. William Reed, President, Samuel Farrar, Esq., Rev. Drs. Porter and Woods, and many others who were interested in this department of benevolence. My relations to the Society brought me into an intimate acquaintance with all its operations and plans. It had numerous small auxiliaries, but a large part of its sales were made through small depositories, which its inland and uncentral location made it necessary to establish at various points over the country. These depositories were supplied with publications to be paid for if sold, or returned if unsold—a system which in its working was found very expensive and almost impracticable.

Int. 3. Will you state your knowledge in regard to the formation of the American Tract Society as a National Society, and the object of such formation?

Ans. In December, 1824, while I was laboring as Assistant Secretary at Andover, a letter was received from Rev. C. G. Sommers, Arthur Tappan, and Dr. James C. Bliss, a Committee of the New York Religious Tract Society, requesting the Tract Society located at Boston and Andover to remove its operations to New York, to be established there as a National Institution. This proposal awakened

in the officers and friends at Andover the deepest interest, as perhaps the turning-point in the future tract operations of the country.

After consideration, a special meeting of the Society was called and held January 11, 1825, in the vestry of Park-street church, Boston, to consider the subject, which meeting I attended. Rev. Dr. Bates presided, and Rev. Dr. Storrs was Recording Secretary. Rev. Dr. Edwards, Secretary, Jeremiah Evarts, Esq., Hon. Samuel Hubbard, S. V. S. Wilder, Rev. Dr. Woods, and others took part in the discussion: Mr. Evarts urging with great force that all our benevolent institutions were based on *Christian confidence;* that we must confide in brethren in New York, and they must confide in us, and thus all unite in the Foreign Missionary, the Bible and Tract operations. The result was, that though the Society did not accede to the proposal to remove to New York, they cordially received the overtures from that city, and referred it to the Executive Committee to correspond on the subject, and take such measures as in their judgment would best promote *the Tract system of this country.* The resolutions adopted were in the following words:

"*Resolved*, That this Society cordially receives overtures from a Committee in the city of New York, inviting us to coöperate in measures for imparting energy and efficiency to the tract system of this country.

"*Resolved*, That the Executive Committee of this Society be requested to correspond with the Committee in the city of New York on this important subject, and to take such measures as they may think will best promote the tract system of this country.

"R. S. STORRS, RECORDING SEC'Y."

Early in February, by direction of the Committee, I visited New York to confer with the Committee and Board of the New York Religious Tract Society. I found a deep interest existing there on the subject of forming a *National Institution.* Arthur Tappan tendered $5,000, Moses Allen $3,000, R. T. Haines and W. W. Chester each $1,000, towards purchasing a lot and erecting a house in New York to accommodate a *National Tract Society* rent free. The plan of a constitution was drawn, and a public meeting was held at the City Hotel, New York, March 11, 1825, to propose and spread before the Christian community a constitution and plan of the Society, as *preliminary* to calling a convention of delegates from Tract Societies throughout the country formally to organize a National Institution. Col. Varick was called to the chair, I was appointed Secretary of the meeting; and after the public services subscriptions were made amounting, with the above, to $12,500, which in a short time were

increased to $20,000, and afterwards to $25,800, to procure a lot and erect a house for the Society in that city.

Letters were immediately addressed to all the principal Tract Societies of the United States, inviting Delegates to meet in Convention in New York, May 10, then ensuing, to organize a National Tract Society.

Having returned to Andover, it occurred to me that, as the Society at Boston consisted almost exclusively of Congregationalists, and there were then few of that denomination in New York, it would facilitate the union of the Society at Boston with the National Society, to have an understanding that the Executive Committee of the Society at Boston should nominate or appoint the Congregational member of the Publishing Committee of the National Society; it having been stipulated in the provisional constitution, that no tract should be issued to which any member of that Committee should object. This suggestion, without a word of consultation with any officer or member of the Committee of the Boston Society, I made on my own individual responsibility to the provisional Executive Committee at New York; and on my return to New York, I met that Committee, who at a full meeting, May 9, 1825, gave this suggestion a careful consideration. The utmost confidence in the Executive Committee of the Society at Boston was expressed, and a unanimous wish that the publications of the National Society should have their cordial approval; but the chairman, Rev. Dr. Milnor—who had been an able Philadelphia lawyer—expressed the distinct opinion that no extraneous body ought to have the power to control the free action of the Board of Directors of the National Society, to whom the responsibility of the annual election of the Publishing Committee in all future years, was assigned by the proposed constitution of the Society; and in this view, the correctness of which I could not doubt, all the members of the Committee on consideration unanimously concurred. But as a better and unexceptionable means of securing the confidence and coöperation of the Society at Boston, they unanimously agreed to nominate Dr. Edwards, favorably known to them, and who had charge of the Publishing department of the Society at Boston, as a member in full of the Publishing Committee of the National Society, and adopted the following resolution: namely,

"*Resolved*, That for the purpose of meeting, as far as possible, the views of our Eastern brethren, we will recommend the enlargement of the Publishing Committee, and that the Rev. Justin Edwards of Andover be added to that Committee."

On the day appointed, May 10, 1825, the Convention of Delegates

from Tract Societies in all parts of the country assembled, comprising distinguished men from the Episcopal, Presbyterian, Congregational, Reformed Dutch, Baptist, Methodist, and other churches: the Rev. Dr. Milnor of the Episcopal church in the chair, Rev. Howard Malcom of the Baptist church, Secretary; and in calm and harmonious consultation for many hours, the proposed constitution was revised and adopted, and all other necessary preliminaries for organizing a National Society adjusted.

On the following day, May 11, 1825, the proceedings of the Convention were laid before a large public meeting in the City Hotel; and after able addresses by Rev. Drs. De Witt, Proudfit, Malcom, Rev. Eustace Carey from India, and Rev. John Summerfield, the American Tract Society was fully, solemnly, and unanimously organized; S. V. S. Wilder, Esq., President; William A. Hallock, Corresponding Secretary; when the meeting adjourned, and the corner-stone of the Tract-house in Nassau-street was laid by the president.

The new National Society, as adapted to give system and efficiency to the tract operations of the country, with one Publishing Committee and one set of stereotype plates and engravings, like the Religious Tract Society in London, and established rent free in a great commercial emporium, was generally welcomed by evangelical Christians in all parts of the land. Nearly all the existing Tract Societies ceased publishing tracts, and soon became Branches or Auxiliaries of the National Society. Its receipts the first year were $10,000, the second year $30,000, the third year $45,000, the fourth year $60,000, the tenth year $90,000, the twentieth year $150,000, and the thirtieth year $400,000. For thirty years it was essentially the *only publishing Tract Society known as such* in the country. It has issued more than 3,000 different publications at home, and has aided in printing and circulating 3,600 in foreign and pagan lands in about 130 different languages and dialects. It has published an aggregate of more than 16,000,000 volumes, 220,000,000 tracts, and 70,000,000 periodicals. Its aggregate receipts and disbursements have been between $6,000,000 and $7,000,000. It has expended more than $500,000 in foreign and pagan lands, to aid the press especially in connection with our various Foreign Missionary Boards, at about seventy stations, with all of which it has been my duty regularly to correspond ever since the formation of the Society.

The great work of this National Society is patent to the Christian world, as its Annual Reports show. It has expended more than $1,000,000 in colportage in our own country, supporting from 300 to

500 colporteurs year after year, in visiting and supplying the destitute in every state of the Union.

Int. 4. Will you state your knowledge in regard to the connection and relation between the Tract Societies in New York and Boston, and the general nature and extent of the operations of the two Societies, during the connection between them.

Ans. On the day of the organization of the National Society, the Executive Committee appointed the members elected on its Publishing Committee, of whom the Rev. Dr. Edwards of Andover was one, as a Delegation to attend the anniversary of the Society at Boston, which was to be held in two weeks, May 25, and invite their coöperation. Of that Delegation, Rev. Drs. James Milnor, Gardiner Spring, and C. G. Sommers repaired to Boston, and were cordially welcomed by the Boston Society, took part in the public exercises, and the Society adjourned to the following day, May 26, to meet the Delegation in the chapel of Old South church, to consider the question of coöperation.

That meeting in the Old South chapel was to me in some respects the most interesting meeting of my life. On it turned in a great degree the question of harmony, and the consequent success of the future tract operations of the country. The Hon. William Reed, President, in the chair, and Rev. Samuel Green, Recording Secretary. Rev. Dr. Edwards, Corresponding Secretary of the Society at Boston, the most active member of their Executive Committee, who had charge of its Publishing department, and who had been unanimously elected a member of the Publishing Committee of the National Society in New York, proceeded to state with great clearness the history of the negotiations with New York, showing that the Executive Committee at Boston were responsible for the intelligence imparted and received by their Assistant Secretary in his conference with brethren at New York, but had not made themselves responsible for any act in the organization of the new National Society there. A full discussion or consultation followed, in which the members of the Delegation from New York, the Rev. Dr. Woods, Rev. Dr. Griffin, and others took part. It was not expressed, but was well understood that all those connected with the manufacturing department in Andover, and all who for any reason had a local attachment to Boston as the seat of such a Society, would regret the transfer of the publishing to the Society at New York; but the argument which prevailed was, that it was most for the interests of the Redeemer's kingdom that the various Tract Societies should be combined in one

national institution, and that the Society at Boston, as well as the other Tract Societies of the country, should unite with that at New York. Rev. Dr. Woods made some attempts to draft a minute, but what he proposed not being satisfactory, the Rev. Dr. Griffin walked towards the table, saying, "Brother Woods, let me take the pen," when he drew the following resolution, which was adopted without a dissenting vote: namely,

"*Resolved*, That it is highly desirable for this Society to become a Branch of the 'National Society' established in New York, and that the Executive Committee be authorized to consummate this union upon such principles as will promote the great object of both Societies."

The Committee of the Society at Boston met the delegation from New York the same day, and sanctioned the terms of union, (Exhibit C, page 28,) which were also sanctioned by the Executive Committee of the Society at New York, and publicly and officially announced to the Christian community by both Societies, and thus the union was consummated.

The Society at Boston ceased issuing publications except occasional documents, and in accordance with the terms of agreement, sent their stereotype plates of tracts and children's tracts to the new National Society, and transferred to it the preparation and publication of the Tract Magazine. As all the publications of the Society at Boston were put to press by me while I was Assistant Secretary of the Society at Boston, so were all the publications of the National Society at New York, on my being transferred to the Society in New York—in both cases under the direction of the respective Committees. The same publications being continued, with the changes sanctioned by the joint Committees, the printing, so far as my agency was concerned, went straight on as if it had been that of one and the same Society, though the presses were at New York instead of Andover, and the contracts were made and the bills sanctioned by a different Committee. Indeed my Tract labors in the Publishing department have gone directly on in one unbroken line from my beginning them at Andover in 1823 to the present day. The identity of my work in this respect was scarcely less real than my own personal identity, when laboring in Andover before, and in New York after the formation of the National Society in 1825. Nothing was published in New York but what the members of the Publishing Committee in New York and Dr. Edwards approved; it was the continuation of one and the same work, and all went on with the utmost harmony.

The first work of the Publishing Committee of the National Soci-

ety was to revise Tract No. 1 of the series of the Branch at Boston, then No. 2, and on to No. 179, the highest number printed at Andover, and then to revise the Children's Tracts printed at Andover in the same manner—all changes proposed by the Committee of the National Society being reported first to Dr. Edwards for his sanction as a member of the Publishing Committee of the National Society, and then by Dr. Edwards to Dr. Woods for his sanction in behalf of the Society at Boston, he having been appointed by the Committee of that Society for this purpose. Dr. Edwards' replies on the changes proposed in this revision ran commonly in these or similar words: "I approve of the changes reported in yours. Dr. Woods also approves them." (See first resolution of the terms of union in Exhibit C, page 28.)

The New York Religious Tract Society and the other Publishing Tract Societies in which different denominations were united, also ceased publishing; and their publications were also examined, that the National Society from the whole might issue the best series possible. That new series was then highly approved by the Christian community, and is still perpetuated substantially in the first 200 tracts of the present series.

The uniform course of the Publishing Committee of the National Society for thirty-seven years—each one of whose meetings it has been my privilege to attend, and in all to bring the regular business of the Committee before them, and record their minutes—has been, for the members in and near New York to meet and unanimously sanction the publications to be issued. Then each publication thus sanctioned is reported to the member of the Committee residing in or near Boston for his concurrence, and his concurrence is regularly entered on the minutes of the Committee at the next meeting after it is received. It is further a cheering fact that the concurrence of that member has never in any case been refused from the day the Society at Boston became a Branch till the present hour.

At the first anniversary of the Branch, May 18, 1826, that Society expressed their satisfaction in the union with the National Society by publicly adopting the two following resolutions: namely,

"*Resolved*, That this Society views with emotions of gratitude the liberality of its friends and auxiliaries, and considers the continuance of their patronage of vital importance to the cause, and that the institution of a great National Society instead of diminishing greatly augments our encouragement to effort."

Moved by Rev. Mr. Storrs, seconded by Prof. Newman.

"*Resolved*, That the spirit and success with which the American Tract Society at New York has been formed, and has prosecuted its comprehensive plans during

the past year, furnish, in view of this meeting, matter of devout gratitude; and that a National Society on such a broad and liberal foundation deserves a nation's patronage."

Moved by Rev. Dr. Codman, seconded by Rev. Mr. Newton. (See Boston Recorder, June 2, 1826.)

[I have compared these extracts with the printed resolutions in the Recorder, and hereby certify that they are correct copies. J. E. Maynadier, special Com'r.]

No correct and adequate idea can be formed of the identity of interest and labors between the National Society and the Branch at Boston without a distinct apprehension of the fact, that the perfect unanimity and cordiality of plans and labors exhibited in the above brief sketch of their union in the first year, continued unbroken and without a jar for more than thirty years.

The Branch Society in Boston having ceased publishing, its general depository was transferred from Andover to Boston; Mr. Aaron Russell was appointed its agent, and afterwards Rev. O. Eastman its agent, and then its secretary. The Tract depositories beyond the limits of Massachusetts, Maine, New Hampshire, and Vermont were given up, very small proceeds being realized either in cash or in the shop-worn and damaged tracts returned; and yet the Society at Boston from that point renewed its energies and assumed new life and enlargement as a Branch of the National Society, in thus coöperating with Christians generally in Tract labors throughout the land and world.

In the three years ending May, 1828, the Branch Society had remitted to the National Society nearly $10,000 for the purchase of tracts, and $2,000 in donations; and thus it went on from year to year for thirty-three years, till its total remittances to the National Society for sales amounted to not far from $500,000, and its remittances in donations to more than $240,000. These donations were given more especially to aid the National Society in extending its benevolent operations to the destitute over our land and world. After a few of the first years, and until about May 1842, they were given mainly for foreign lands, to which the National Society had then remitted in cash $236,000; the total donations received up to that date from the Branch at Boston, then amounting to $59,000. After about May 1842, the Branch continued every year its donations for foreign lands, but gave every year still larger donations to extend *Colportage* to the destitute of our own country.

As from the formation of the National Society the care of the Foreign department as well as the Publishing has devolved almost

exclusively upon me, under the direction of the Committee, I would state in reference to the Society's foreign appropriations, that as early as 1827, Jeremiah Evarts, Esq., the loved and honored Secretary of the American Board for Foreign Missions at Boston, visited New York, and proposed to the Committee of the National Tract Society rules by which it should be governed as to the character of the tracts to which its foreign cash appropriations should be applied, which rules were adopted by that Committee, (Second Annual Report, page 39;) and under these rules the Executive Committee of the National Society have paid over in cash in thirty-seven years the sum of $522,794 for foreign and pagan lands, which has been distributed at seventy missionary and other stations throughout the world, as by the tabular list, page 114 of the last Annual Report. The expenditure has been reported by the respective stations and sanctioned by the Executive Committee to the amount of $508,436 42. The whole number of publications sanctioned by the Publishing Committee, to which this expenditure has been mainly applied, is 3,634, in about 130 different languages and dialects. The correspondence with these foreign stations has devolved upon me exclusively, except perhaps some occasional letter written by others. All these foreign cash grants have been made by the Society at New York. The Branch Society at Boston for thirty-three years remitted all their foreign cash grants as donations to the National Society in New York, to aid in accomplishing what that Society proposed to do for foreign stations.

The usual and I believe undeviating course of the Executive Committee of the National Society has been each year to appoint a special Committee to examine the foreign correspondence received from all parts of the world, and by this and other means to ascertain as far as practicable the wants of the respective stations, and report what total amount it was desirable the Society should remit for the year, and what sum to each station; when this report of the special Committee was received and sanctioned by the Executive Committee, with such changes as were thought desirable. The total sum thus designated for foreign lands was, for example, in 1855, $16,000, divided into larger and smaller sums among thirty stations. This total amount, and the sum proposed for each station, was submitted to the Secretary or Committee of the Branch at Boston, and they were requested to designate what portion of the total amount they would raise, and to what stations they would like to have it applied. So much as they proposed to raise—$3,000 for 1855—was gratefully

received, and the remaining $13,000, the balance of the $16,000, was obtained by the National Society from other sources.

Thus the chartered Society at Boston by its calm, well-considered public act of May, 1825, made itself a Branch of the National Society at New York, as I believe was well understood by all. It continued to act in that relation of a Branch most harmoniously, and with mutual benefit to both Societies, surpassing the most sanguine expectations of the officers and friends of either, for thirty-three years, in which the great work of a generation of men was done; when in May, 1858, by a like public and binding act, it sundered itself from the National Society in New York, and became again an independent institution. While it was a Branch it was so in good faith, and the united efforts of the National Society at New York and this "its right arm," as we often termed it, with other Branches and Auxiliaries, constituted one National Society, probably far more efficient than they all could have been, acting independently.

By the Society at Boston becoming a Branch, the Society at New York did not expect it to give up its act of incorporation, its name, or its members; but they understood that in all its Tract operations it intended to act in harmony and in full and cheerful coöperation with the National Society. A Branch is practically the same as an auxiliary, acting not independently of, but as an aid to the larger institution. The term is more commonly applied to larger or state auxiliaries. Benevolent societies, as the Bible Society and Sunday-school Union, have state branches and state auxiliaries and county auxiliaries. Such branches usually do the work of the parent society on their own field, and pay over the balance or surplus of their funds to the parent society.

Such was the auxiliary character of the Branch of the American Tract Society at Boston. While it did, and it was understood that it would do that part of the National Society's work which fell within its field as a Branch, it was also understood that it would do, and it always did what it could to aid the National Society in every department of its extended operations. The most reliable testimony as to the sense in which the two Societies mutually understood this relation is seen, I think, in the *actual matter of fact practical demonstration* of their harmonious work for a third of a century. Having before them one simple aim, each to do the most possible for the salvation of men and the glory of God, and each ever anxious to cherish and promote the highest usefulness of the other, no questions of difference arose between them.

The Annual Reports of the two Societies thus coöperating show unequivocally, on a brief examination, what were the mutual relations sustained. For many years, it will be perceived, that the great body of the Reports of the two Societies as to colportage and the foreign field and the list of publications, is one and the same. The type of those parts of the Report of the National Society was kept standing, and those parts of the Report of the Society at Boston were printed at New York from the same type, being substantially word for word the same; and those printed sheets were sent to Boston to be bound up with the sheets of their Report of their labors in their own field as a Branch. The Annual Reports of the two Societies are official and incontrovertible; and I wish to include this reference to them in my testimony.

Though the responsibility of directing what should be published rested upon the Publishing Committee of the National Society, as I have attended every meeting of that Committee and carefully examined every page and line they have published in English, I am confident that while the union continued neither Committee nor Society ever issued any publication or passed any act or did any thing which they did not suppose would be cordially approved by the Committee of the other Society.

The *name* American Tract Society was not given up by the Boston Society when it became a Branch, because in its becoming a Branch the one object to be gained by the united Societies, the highest prosperity of the Tract work in this country and through the world, required no change of name or relinquishment of the act of incorporation. The union was one strictly, in Mr. Evarts' phrase, of "*Christian confidence.*" If that should be gone, neither Society, so far as I know, expected or wished the union to be continued; and while Christian confidence continued, the same corporate name was rather a help than a hinderance. Whether donations were received or grants made by one institution or the other, the practical result was the same, and it was equally agreeable to all concerned. Each institution wished the other to prosper and to be conscious of usefulness, and to be happy in its work. If a legacy made to the "American Tract Society" was paid to the one or the other, it was equally acceptable, as in either case it was expended for the great work of the National Society. All the Branch Society at Boston needed to expend on its own field it expended there, and all the balance in its treasury it gladly paid over to aid the great work of the National Institution in New York.

The Society at Boston for nine years from its formation was known as the "New England Tract Society," a name so deeply fixed in the minds of many of the people that it was not at once removed by the change of name in the act of incorporation; and the National Society at New York having been formed within two years after that change in the act of incorporation, I believe the impression became quite common in New England that the Society at Boston was in 1825 virtually removed to New York, where the publications were printed which were circulated in common by the Society at New York and the Branch at Boston. The question early arose, and is still arising to this day with many life-members of the Branch, whether by being members of the Branch at Boston they are not *ipso facto* members of the Society in New York. So common was this impression soon after the union, that it became necessary for Dr. Woods, chairman of the Executive Committee at Boston, to make a public explanation, showing that the life-members of the Branch were not transferred to the National Society.

From the union in 1825 onward, I believe the name "American Tract Society" came to be more and more understood as applied to the Society at New York, and less and less as applied to the Society at Boston, unless the designation "Boston" was added. In the Tract Magazine, which, from May, 1825, to January, 1843, was the organ at once of the Society at New York and the Branch at Boston, the Society at New York is usually designated simply as the "American Tract Society," and the Society at Boston rarely if ever referred to without adding the word "Boston." This is distinctly observable in the American Messenger, which, in January, 1843, was established as the organ of the National Society—the Tract Magazine, which had from the first only a small, and that chiefly a gratuitous circulation, being then discontinued. An examination shows that in ten years, from 1846 to 1855 inclusive, the name "American Tract Society" simply, as applied to the Society at New York, occurs in the Messenger more than seven hundred times; while in the same papers the name, when applied to the Boston Society, occurs some two hundred times with the word "Boston" appended; showing every reader that when the name "American Tract Society" simply was used the Society at New York was intended, and that when the Society at Boston was intended the term "Boston" was added. These names were so generally and extensively applied to the two Societies in most of the religious periodicals of the day, while the Society at Boston was a Branch, as to indicate a common impression that when the

name "American Tract Society" only was used, it meant the Society at New York. The average circulation of the American Messenger on the field of the Branch at Boston for fifteen years, 1845 to 1859 inclusive, was about 50,000 copies monthly, or 600,000 copies a year. If, as is probable, each copy applies the name "American Tract Society" to the National Society at New York six times, then in the fifteen years it was so applied on the Boston field fifty-four million times; and in the same papers the name with "Boston" added was applied not far from eighteen million times to designate the Branch Society at Boston. See Exhibit S 1, J. E. M. Com'r.

App. p. 267 to 273.

Int. 5. Will you state your knowledge in regard to the separation of the Boston Society from the New York Society, and the alleged causes of their separation?

Ans. I do not see that testimony of mine as to the recent separation, the facts of which are mainly on record, can be of much value, except perhaps on two or three points.

As to the cause of the separation, I think none can doubt that it was primarily the subject of *slavery*, which has rent so many of our other benevolent institutions and ecclesiastical bodies, and now threatens the life of the nation; though it is not for me to say how far personal and local interests and prejudices have had their influence.

As to the inherent merits of the slavery question, to the best of my knowledge and belief, the sympathies and opinions of the members of the Publishing Committee in New York and the members of the Committee of the Branch in Boston *did not essentially differ*. I believe they all have been of one mind substantially in holding the system of American slavery in utter abhorrence, and ardently desiring its speedy and total extinction; and that the views they have unitedly entertained are expressed in the work recently published by the Society at New York, entitled "The Enormity of the Slave-trade, and the Duty of Seeking the Moral and Spiritual Elevation of the Colored Race. Speeches of Wilberforce, and other Documents and Records." The Society's publications are anti-slavery, and inculcate the reading of the Bible, marriage, and all Christian duties upon all men, whether free or bond. So far as there was a difference between the two Committees, all the facts which have come to my knowledge have seemed to me to show that that difference was mainly on *this practical question:* viz., whether the constitution and catholic principles of the National Society and its highest usefulness did, or did not, allow the Publishing Committee to issue what, in the judgment of

the Society's large constituency within the slave-holding states, must at once terminate the Society's usefulness in those states, and must hasten some such catastrophe as that which has been consummated in the present fratricidal and wicked rebellion. This practical question was a great and momentous one—whether a just ground for sundering the Branch is not for me to say.

As to a vague suggestion that there was some early stipulation that the Congregational member of the Publishing Committee should always be elected from the Committee of the Branch, so far as I have knowledge, that suggestion has not the slightest foundation ; I never heard it spoken of, nor did it enter my mind when the Society at Boston became a Branch, or for thirty years afterwards, nor do I now know of any one who believes it. On the contrary it is a fact that Dr. Edwards, on being elected on the Publishing Committee, May, 1825, resigned his membership of the Committee of the Branch ; which he did, as I supposed, simply to avoid the pressure of his accumulating duties.

As to another related and more important question: whether there was not some stipulation or understanding at the time the Society at Boston became a Branch, that the Congregationalist member of the Publishing Committee should always be one in whom the officers of the Branch had confidence, the historical facts are clear and incontrovertible, though as to their practical bearing there may be grounds for difference of judgment.

I have already stated, in answer to question 3, that when Assistant Secretary of the Society at Boston, I was appointed to negotiate a union of that Society with the local Tract Society of New York city in a national institution, I proposed to the provisional committee in New York, that the Society at Boston should be entitled to designate the Congregational member of the Publishing Committee. But that on my meeting that Committee two days before the National Society was fully organized, that Committee unanimously decided that such a control of the election of a member of the Publishing Committee by an extraneous body was evidently inadmissible ; that the course thus suggested by me was unanimously abandoned ; and that to give full confidence to the Society at Boston, Dr. Justin Edwards, who had charge of their Publishing department, was unanimously nominated, and by the Board of Directors of the National Society, two days after, unanimously elected a member in full of the Publishing Committee. It can safely be said that no pastor in the Congregational church then stood higher or had more unbounded

influence and universal Christian confidence than Dr. Edwards. He was then thirty-eight, in the zenith of his life and usefulness, and his being elected was accepted by all concerned as the most satisfactory assurance that the publications of the National Society would be such as the Society at Boston would approve. When the Committee at Boston met the Delegation from New York, it was further stipulated that the National Society would take the stereotype plates of the Branch, and make only such changes in them as would be approved not only by Dr. Edwards, then a member of the Publishing Committee of the National Society, but by Dr. Woods, who acted for the Committee at Boston. And here all question as to the publications of the National Society being such as to accord with the wishes of the Society at Boston terminated. Nothing was said on this point in the meeting in Old South vestry when the Boston Society voted to become a Branch; but Dr. Edwards' sweeping assertion that the Committee of the Society at Boston had not made themselves responsible for any act in the organization of the National Society, is a virtual testimony that they had done nothing on this point.

It may not be amiss here to attempt to state what those shades of doctrine were which the friends of the Society in Boston were anxious to preserve. They wished to present the great evangelical doctrines in their fulness, acknowledging God's supremacy, the riches of the atonement and the power of the Holy Spirit, without in any degree diminishing man's responsibility and obligation to do all present duty; and they thought this responsibility and obligation were presented more clearly in the publications of the Society at Boston, than in some publications issued by some of their brethren south of New England. Those who were active in the Society at Boston were satisfied to be represented by Dr. Edwards and Dr. Woods on this and related points; and so were the Committee of the National Society. Dr. Woods told me that when Dr. Milnor bowed on his knees and led in an extempore prayer, as they met in Boston, he felt that the brethren of the Committee of the National Society could be confided in, and that that confidence had ever remained unshaken.

But though there was no stipulation, written or verbal, between members of the Committee at Boston and the Committee at New York, as to any agency of the Society at Boston in reference to the election of the member of the Publishing Committee from the Congregational denomination; (and I speak with confidence here; for had there been any such stipulation, as Assistant Secretary of the Society at Boston and their delegate to negotiate the union, and from the

formation of the Society at New York their only Secretary, I must have known it; and I challenge all truthful testimony of the living and all authentic records of the dead to produce any such stipulation;) yet there was in my own mind *a bond of sacred Christian confidence* to use every endeavor that the confidence implied in the original election of Dr. Edwards on the Publishing Committee should be continued inviolate. In a word, there was no stipulation, written or verbal, that the Society at Boston should have any control in the election of the Congregational member of the Publishing Committee; but the election of Dr. Edwards did imply and warrant the *Christian confidence*, that a man of kindred spirit and standing in the Congregational denomination should be continued on that Committee. A like Christian confidence was warranted in the Episcopal churches by the election of Rev. Dr. Milnor, in the Dutch churches by the election of Dr. Knox, in the Presbyterian churches by the election of Dr. Spring, in the Baptist churches by the election of Dr. Sommers. That Christian confidence I, and I believe all the Committee at New York, feel sacredly bound to fulfil, as far as in us lies, in perpetuity. This confidence I endeavored to fulfil in reference to the election of each of the three Congregational members who succeeded Dr. Edwards. In each case I conferred with the Secretary of the Branch at Boston, and ascertained that the election, first of the Rev. Samuel Green in 1829, then of Rev. Dr. Fay in 1834, then the renewed election of Dr. Edwards in 1840, and then the election of Dr. N. Adams in 1854, would be highly satisfactory to the Committee and officers of that Society.

The lapse or slip, that has occurred, arose in the fact that though the present Congregational member when elected was acceptable to all in Boston, he became, in reference to the subject of slavery, unacceptable to a majority of the Society in Boston, who in 1858 virtually requested the National Society's Board of elected and Life Directors, by whom the Publishing and Executive Committees are annually chosen, to displace him by their ballots in the next election; and that request being laid before the Board of Directors, they declined—by a ballot vote of 323 against 26—to adopt the unprecedented act of thus displacing a respected member of the Publishing Committee, who had never objected to any publication approved by the other members. While *Christian confidence* prevailed, the members of the Committee and Executive officers at New York could express their judgment in such a case and their suggestions be heeded; but when, on a point of national controversy, the Board of

Life-directors were directly appealed to to displace a member by a majority vote, the Committee and Executive officers could only leave the decision to the votes of the Board.

Whether this request by a majority vote of the Branch Society ought to have been thus made to the Board of Directors of the National Society; or whether, when received, the Directors of that Society ought to have complied with it; or whether the action on the part of either or both Societies is at all relevant to the question now pending—the deponent saith not.

[Here, at three-quarters past four P. M. of Wednesday, July 16th, 1862, the examination was adjourned until 9 A. M. of Thursday, July 17th, 1862.]

[Pursuant to adjournment, the examination was resumed at 9 A. M. of Thursday, July 17th, 1862.]

Int. 6. Will you state how far the facts contained in your previous testimony were within your personal knowledge?

Ans. To a great extent they all were, so far as could be from the nature of the case.

Int. 7. Will you state what was the imprint upon the publications of the American Tract Society, after it went into operation, up to the time of the withdrawal of the Boston Society?

Ans. It varied. I think it was generally, "American Tract Society, 150 Nassau-street, New York;" and very often that, and also "28 Cornhill, Boston."

Int. 8. Which of these localities appeared first on the imprint? and what did that indicate?

[Latter clause objected to.]

Ans. Always the locality in New York first, distinctly indicating the Society at New York as the principal institution.

Int. 9. Will you state the extent of the field of the Boston Society? and what Society had the agency or control of tract operations beyond that field? and what agency, if any, the Boston Society had in tract operations beyond its own field?

Ans. That field was usually Maine, New Hampshire, and Vermont and Massachusetts, excepting the parts west of the Green mountains; but that division in Vermont and Massachusetts varied.

The Society at New York conducted tract operations over the remainder of the country. The Branch at Boston did very little, directly, beyond its own field, but its identity with the National Society was such that it took almost equal interest in the extension of the Society, as far as possible, throughout our country and the

world, and it contributed liberal and large donations to aid the National Society in its work.

Int. 10. Can you state under what name these contributions were remitted to the National Society?

Ans. They were, I believe, always credited to the American Tract Society at Boston.

Int. 11. As what were they credited?

Ans. I believe that in the early years of the Society, donations were received from the Branch at Boston for supplying the destitute more generally, but after that they were mainly designated for foreign distribution and colportage.

Int. 12. Will you state what you mean by the word "they," in answer to your last question?

Ans. The donations from the Boston Branch.

Int. 13. Will you state what the term American Tract Society has been generally understood to indicate, throughout the country, and especially in the state of Massachusetts, since 1825, up to the time of the withdrawal of the Boston Society? State any means of knowledge you may recollect, as applicable to the state of Massachusetts, either by way of conversation or correspondence.

[Objected to as incompetent, and as having already been fully gone into by the witness, in previous answer.]

Ans. I think of little that I could add to what is contained in my previous testimony. I don't think I have any thing essential to add at the present time.

Int. 14. Will you state how the Publishing Committee of the New York Society is appointed; and how changes, if any, are made in the same?

Ans. The provisions of the constitution on this point are very explicit—the constitution being printed in every Annual Report. The Publishing Committee are elected annually by the Board of Directors by ballot, and any vacancy that occurs is filled in the same manner.

Int. 15. Will you state whether any changes have ever been made in the Publishing Committee; and if so, what, unless vacancies did occur by death or resignation?

Ans. I think no such change has been made, in any case.

Int. 16. Will you state how generally you have been present at these elections; and what objections, if any, have ever been made to the article in the constitution in regard to the mode of electing the Publishing Committee?

[Objected to, as immaterial.]

Ans. I have been present, and taken a deep interest in all these elections, from the formation of the Society, and remember no objection having been made to the mode of election prescribed in the constitution.

Int. 17. Will you state how far the Board of Directors or the Society have the power to alter the constitution by a direct vote, at any one meeting?

[Objected to.]

Ans. Only the Society can alter the constitution; and as it now is, any proposed change must be submitted to the Society one year before its adoption.

Int. 18. Do you recollect whether the Boston Society made any request to the Board of Directors of the National Society in regard to electing a member of their Publishing Committee from the Executive Committee of the Boston Society? If any such proposition was made, please state the same, and when it was made, and what action the National Society took upon their request?

Ans. No request was ever made to elect a member of the Publishing Committee from the Committee of the Boston Society.

Int. 19. Can you state what request was made by the Boston Society on that subject, if any? and will you look upon your reply to the Boston Society, in the Annual Report of the Boston Society for 1858, p. 5, Exhibit M, and state what is your present recollection upon the subject?

Ans. My recollection is perfectly distinct without the reference. I believe in 1858, the Boston Society requested a change to be made in the Publishing Committee; that request was laid before the Board, and Rev. Dr. Hopkins was nominated in place of Dr. N. Adams. The Board then took a vote on the subject by ballot, when Dr. Adams had 323 votes out of 349.

Int. 20. Can you state what objections were urged by the Boston Society against Dr. Adams' longer continuance on the Publishing Committee of the National Society?

Ans. They were, to the best of my knowledge, exclusively in reference to the subject of slavery.

Int. 21. Will you state how far any objections, to your knowledge, were ever urged by the Boston Society, or any one on their behalf, against Dr. Adams' longer continuance on the Publishing Committee of the National Society, having any reference to those doctrines

which you have already stated it was the object of the Boston Society at the time it became a Branch of the National Society to maintain and perpetuate in the publications of the latter Society?

Ans. I never have heard any such objection.

Int. 22. Will you state whether you have heard or examined the testimony of the Rev. Mr. Warren in this case, in regard to the Boston Society continuing to publish tracts and books after it became a Branch of the National Society? Will you state your recollection in regard to the publications named by Mr. Warren, and by what Society they were published; and how far the Boston Society continued to publish after it became a Branch of the New York Society? State also your recollection in regard to Mr. Warren's construction of any extracts which he has made from the reports, records, or documents of either Society, so far as your recollection tends to explain such construction. State fully your knowledge upon these subjects.

[Third clause objected to.]

[The witness here desired to make an explanation of one of his previous answers, and did so, as follows:

In my answer to interrogatory 18, I understood the question to refer to the Society at Boston while it was a Branch, and in harmony with the Society at New York. In the action of the Boston Society in 1857, such a request as is mentioned in interrogatory 18 was made and declined by the Executive Committee of the Society at New York, as at variance with the Constitution of that Society, and with the free action of the Board of Directors in electing the Publishing Committee.]

Ans. I have read a sketch of Rev. Mr. Warren's direct testimony, and heard most of the cross-questioning. To enter into details concerning his testimony would be tedious, and, I suppose, now impracticable. It would require much investigation, which I am now unable to give. The general tendency of the larger part of Mr. Warren's testimony appears to me to be to establish two points: *first*, that the most intimate relations existed between the Branch and the National Society, amounting to almost an identity of aim in all they did while the relation of a Branch continued; and *secondly*, that the Branch retained in all respects, except what was essential to its being a Branch, its complete separate organization and untrammelled action. That these two general views are correct, I believe I have shown in my previous testimony.

A great part of Mr. Warren's references are to parts of the Na-

tional Society's Annual Reports, which were written or prepared by me, and I suppose give a correct statement of the facts.

As to separate printing done by the Branch, Mr. Warren appears to me to have been misled by occasional references in the brief minutes of the Branch to publications *proposed* to be issued, but in fact not printed by the Society at Boston, but printed by the Society in New York, or other parties. In matter of fact, no printing of tracts and books was done by the Branch, except in occasional cases, and on a very small scale. Three books and tracts mentioned by Mr. Warren, namely, Dr. Hawes on Universalism, Reasons for Public Worship, and "All in the Ark," were printed at New York, and have long been on the list common to the National Society and to the Branch.

The "doctrinal Tracts," printed by a Congregational Board in Boston, were sold for a time, I believe, more or less by the Branch, but their sale of them was soon relinquished.

The circulation of the Received Version of the Bible, of Dr. Edwards' permanent Temperance documents, and of various publications of the London Tract Society, were early approved by the Publishing Committee at New York, and circulated by both Societies, but not printed by either, so far as I know.

The Christian Almanac was transferred to the parent Society in the original terms of union, and has been prepared and issued at New York every year since. For many years local editions were issued for several of our principal cities and towns, containing local matter adapted to each locality. One of these editions has been issued every year, I believe, in Boston, but in various forms, as was desired. In one or more years, I believe arrangements were made with our friends Lincoln and Edmands, who had long published an Almanac in Boston. The particular arrangements in Boston each year I do not remember, but there was entire agreement between the National Society and the Branch in what was done; and I am confident the Branch printed no edition, except partly or wholly the same as issued in New York. The brief notice which I have seen on the Minutes of the Branch, about 1832, affords to me no proof that the Branch printed an Almanac distinct from that of the National Society.

The Committee of the Branch voted, June 16th, 1826, that it was not their intention "to print any more tracts, but to procure such as shall be wanted from the American Tract Society, New York," except that they proposed to fill up the Boston Society's volume 8, which, however, was never done.

Mr. Warren states, I suppose correctly, that the total receipts of the Branch for sales in 33 years, were $597,000 in round numbers, and the total paid to New York for publications $531,000, leaving $66,000; which, as the purchases, amounting to $531,000, were at a discount of not far from 25 to 27½ per cent., and the Boston Society made considerable sales of Bibles, leaves but a very small margin to be filled by proceeds of sales of any tracts or books of the Society's regular series, which they could have issued. In fact, as I believe I have elsewhere testified, the amount of printing done by the Branch, except reports and occasional documents, was very small.

The National Society, whenever opportunity offered, sought the counsel and coöperation of the Branch in important measures, and the Committee at New York were strengthened and encouraged by the counsel and aid thus received. It was not unwelcome, but was sought and cherished. The suggestion from Dr. Edwards, received by the National Society through the Branch, to issue a comment on the Scriptures, was one of great value; as was the counsel and co-operation of the Branch as to foreign appropriations, colportage, the Society's periodicals, prices to be paid for printing and binding, (many thousand of the National Society's volumes being at one time bound in Boston,) and in whatever else occurred in which mutual counsel and coöperation seemed to promise increased usefulness.

I have a deep conviction that the original agreement to become a Branch, and the cordial coöperation for long years, is greatly due to the large-minded, unselfish liberality, and consecration to the service of Christ, of such men as Dr. Edwards, Dr. Church, Rev. Mr. Green, Mr. Evarts, and others, who had a controlling influence, and whose memory is embalmed in the hearts of millions.

[The former part of this answer is objected to, because, under the guise of testimony, it consists of comments and arguments by the witness upon one side of the case, upon the testimony given by a witness on another side of the case, and is otherwise irregular and incompetent; and the latter is objected to, because it consists chiefly of the arguments, inferences, and impressions of the witness, rather than matters of recollection.]

Ans. continued. I wish to add, in reference to the grant of $300 for Greece, referred to by Mr. Warren, that that grant, and all other foreign grants made by the Branch, are included in the grants made by the National Society.

And further, I have not discovered any thing in Mr. Warren's testimony correcting any error either in the National Society's Reports or in the testimony I have already given.

Cross int. 1. Were your answers to the last interrogatory, and the first five direct interrogatories, read by you from manuscript previously prepared?

Ans. The answers to the first five were, and the other was partly previously prepared.

Cross int. 2. When and where prepared?

Ans. The answers to the first five were prepared in New York, because the questions handed me covered a very large space, and I dared not trust myself to make a full and accurate reply *ex tempore*, and for the sake of condensing into a much shorter space what might otherwise have been very tedious to the court. My answer to the last was partly prepared last evening and this morning.

Cross int. 3. You say in your direct testimony that you entered the service of the New England Tract Society in September, 1822, and continued in the service till May, 1825; was not the name of this Society changed within a few months after your connection began with it to the American Tract Society? and did not that thereafter continue to be its name?

Ans. I state in my direct testimony that the name was changed in the summer of 1823 to the American Tract Society, which of course thereafter continued to be its name.

Cross int. 4. You state in your direct testimony that the operations of this Society were small compared with the tract operations of the present day; were they not large compared with the tract operations of that day? and was not this by far the most efficient and important Tract Society then existing in this country?

Ans. The efforts and contributions to found the New England Tract Society were noble and generous, and I should have recorded them but to save space, and because they are fully recorded in the "Proceedings of the First Ten Years," and elsewhere by me, as referred to in my testimony. I stated that in six years after its formation—[the counsel for the Boston Society here objects to this answer as not responsive]—the receipts were in all less than one thousand dollars. At the time the National Society was formed, the operations of the Boston Society were about equal to those of all other Tract Societies in this country. I repeat these facts, because a direct answer, yes or no, might be misunderstood.

Cross int. 5. Was it, or not, at that time by far the most efficient and important Tract Society in this country, if you know?

Ans. It was probably the most efficient, but the Religious Tract

Society at New York was also very efficient, as shown in the "Proceedings" referred to.

Cross int. 6. Was not the first proposition to the Boston Society for its removal to New York? and was not this proposition expressly refused by the Boston Society?

Ans. Not to my knowledge, and my testimony shows that it was not refused. On hearing the question reread, I desire to say that I do not understand the question. I understood the question to mean, Was not the first proposition to the Boston Society for its removal to New York expressly refused by the Boston Society? I state in my testimony that it was not refused, but was considered, and that a meeting of the Society was called in Boston to consider it.

Cross int. 7. Was that proposition accepted or declined? and please answer without reference to the manuscript of your direct testimony?

Ans. It was neither accepted nor declined, but referred to the Executive Committee to take action on the subject.

Cross int. 8. Was, or was not, that proposition to remove to New York ever accepted by the Boston Society, or was it declined?

Ans. The proposition to remove to New York was declined. I now perceive what the cross-examining counsel meant; I did not perceive before.

Cross int. 9. Were you not personally in favor of such removal?

Ans. I have no knowledge that I had any fixed opinion on that question.

Cross int. 10. Upon your best recollection and belief, was it not your preference or desire that the Boston Society should so remove to New York?

Ans. My ardent desire was for the highest prosperity of the Tract work, in whatever way it might be brought about. Could that object have been gained, and the location remained in Boston, it would have been very gratifying to me.

[Objected to, as not responsive to the question.]

Cross int. 11. I repeat the last question.

Ans. I wish to state that I am most ready to answer all questions, and give all possible light as to all facts in my knowledge pertaining to this subject; but I cannot give categorical answers when I believe the answer, yes or no, would convey an erroneous impression.

Cross int. 12. Is that all the answer that you propose to give to the simple question, whether, according to your best recollection and

belief, it was not your actual preference or desire that the Boston Society should remove to New York, as inquired of?

Ans. I believe I had no distinct opinion, or preference, or desire on that question. I hoped that a better course than that might be adopted.

Cross int. 13. Is your recollection of the transactions which took place preliminary to the union of the two Societies distinct? and also of the share which you personally took in the same?

Ans. It was the great question of my life, and the essential facts and movements are among the most vivid of my recollections; but I do not claim to remember all incidental events, which had little or no practical importance.

Cross int. 14. Did you not attend one or more of the meetings called to consider the removal of the Boston Society to New York, to which you have referred? and did you not there or elsewhere advise, or speak in favor of, the adoption of that measure?

Ans. As stated in my testimony, two meetings of the Boston Society were held expressly to consider this subject, one in the vestry of Park-street church, January 11th, 1825; the other in the Old South chapel, May 26th, 1825; both of which meetings I attended and felt the deepest interest in, but out of deference to the worthy gentlemen around me I said nothing in either meeting. I do not remember ever having advised that the Society at Boston should remove to New York, in the manner at first proposed by the Committee of the New York Tract Society.

Cross int. 15. Did you ever advise or speak in favor of its removal at all, although not in the manner at first proposed by the Committee of the New York Society?

Ans. The Committee of the New York Society proposed its removal, and I know not that I ever had an idea of any other form of its removal that would be preferable.

Cross int. 16. Did you, or did you not, ever advise, or speak publicly or privately, in favor of the removal of the Boston Society to New York?

Ans. I think the question a simple repetition of what has before been answered. I have considerable perseverance, and it will be hard to get an answer from me contrary to my conscience and oath and sense of right.

Cross int. 17. Do you think, according to your "conscience and oath and sense of right," you have given a fair answer to the question, viz., Did you, or did you not, ever advise or speak, publicly or

privately, in favor of the removal of the Boston Society to New York? If so, please point out and quote from your previous testimony on cross-examination, where such answer is to be found.

Ans. The question appears to me not to admit of a categorical answer without conveying an erroneous impression. If the interrogator wishes to know whether I thought the city of New York a better location for a national Publishing Society than Andover, or even Boston, such certainly was my opinion, often expressed, but not publicly, as I know of.

I do think I have substantially answered his question already, in answers to cross-interrogatories 9, 10, 11, and 12.

The question put to me is definitely as to "the removal of the Boston Society to New York." In my understanding of these terms, I do not remember advising or speaking, publicly or privately, nor of having a preference in favor of exactly that form of establishing a national Society. My answers are no intentional evasion; I would wish to give all the facts on the subject.

Cross int. 18. Did you not, publicly or privately, advise or speak in favor of the discontinuance of the Boston Society, and the establishing in some form of a national Society in New York, after the proposition referred to from New York was made?

Ans. In my understanding of the meaning of the term, "discontinuance of the Boston Society," it was farthest from my desire that it should be discontinued, and of course I have no knowledge that I ever advised or spoke in favor of any such thing. I was earnestly in favor of establishing the National Society in New York, if it could be so as to promote the best interest of the tract work as a whole. I do not recollect saying this publicly, but doubtless often said it privately.

Cross int. 19. You have said that you thought the city of New York was a better location for a national Publishing Society than Andover or Boston, and often expressed that opinion; did you not, in the same connection, state that as a reason at the time for the removal of the Boston Society to New York?

Ans. It may meet the wishes of the interrogator, if I state that, had the people of Boston raised $20,000 or $25,000 for a Tract-house in Boston, and no such means had been raised in New York, I should have been in favor of the location of the National Society in Boston.

Cross int. 20. Taking the facts as they actually existed, and not as they did not exist, as you have done in your last answer, please answer the former question.

Ans. When $10,000 was raised in New York, with every assurance of $10,000 or $15,000 more, that seemed to me a providential indication that the National Society should be located there, and after that I probably spoke in favor of that location.

Cross int. 21. Had not that sum been raised or pledged before the proposition was made of the removal of the Boston Society to New York?

Ans. That proposition was made in December, 1824, and these subscriptions were not made until about March 1st, 1825.

Cross int. 22. I understand then you to say, that after the subscription or pledge of this sum, you were in favor of the removal?

Ans. The interrogator still insists that I must say that I had or expressed opinions as to the definite term "removal" of the Society at Boston to New York. I was not in favor of a removal of the Boston Society to New York, but hoped the coöperation of the Boston Society would, in the most acceptable and best manner, be gained for the National institution. The questions repeatedly asked seem to demand of me an opinion, and the expression of that opinion, when great matters were pending and I could not then form, and believe I did not form, an opinion as to what course would be best. I was not omniscient, to see what events should occur; I waited to see what they should be, before being able to form a judgment what course it would be wise and duty to take.

Cross int. 23. You stated in your answer to the third direct interrogatory, that a proposition was made to the Boston Society "to remove its operations to New York, to be established there as a National institution:" I used the term "removal" in the sense conveyed in the terms thus used by yourself, and in no other sense; will you please say whether or not, after the subscription or pledge of the sum above referred to, and while said proposition was pending, you were, or were not, in favor of such a removal, thus defined?

Ans. I think I have replied to this question in various forms already, in substance, that I was not in favor of the removal of the Society at Boston to New York, and my desire and efforts were that such a course might be adopted by the friends of the Tract work as would in their opinion best advance its interests, without any wish to obtrude favorite opinions of my own to control their judgment.

Cross int. 24. Did you not, while giving your answer to the last interrogatory, inquire of the Commissioner whether a witness was obliged to state what his private opinions were, or what his inner opinions were, or words to that effect?

Ans. I did, but not because I had opinions then which I was unwilling should be known.

Cross int. 25. Did the American Tract Society, New York, or its Executive Committee, ever pass any vote that the Congregational member of their Publishing Committee should not be nominated or recommended by the Executive Committee of the Boston Society? If so, please quote the same.

Ans. That Society never took any such action, to my knowledge; but the Executive Committee, on receiving a letter from the Society at Boston, requesting that such an arrangement should be made, replied, as I have just stated, that such an arrangement "would be at variance with the Constitution of this Society, and with the free action of the Board of Directors in electing that Committee." See Annual Report of the Boston Society for 1857, p. 4, Exhibit L, J. E. M., Com'r.

Cross int. 26. Was not this vote, quoted by you in your last answer, passed March 16th, 1857? and do you know of any previous similar vote?

Ans. It was passed at that date, and I know of no previous similar vote.

Cross int. 27. Was not the reluctance or unwillingness expressed by Dr. Milnor and the other gentlemen to whom you have referred in your direct testimony, that any express provision should be made in reference to the appointment of some gentleman from New England on the Publishing Committee of the New York Society, owing chiefly, if not wholly, to some supposed legal embarrassment, which they anticipated might arise from such a provision?

Ans. Dr. Milnor had been a lawyer; but other members of the Committee, who were as decided as he, had not been members of the bar, and all united in the same opinion. I supposed that legal gentlemen, and other gentlemen of intelligence, would agree that such an extraneous influence would conflict with the free action of the Board.

Cross int. 28. Did these objections, or this reluctance, as you understood, proceed from any unwillingness that the Boston Society should be in fact thus represented on the Publishing Committee of the New York Society?

Ans. I understood distinctly that most or all the members of the Committee had a high regard for the friends of the Tract cause in Boston and the vicinity, and desired, as far as possible, to meet all their wishes; but in looking at the demand for such an extraneous

influence, all agreed that in no similar case could it be properly admitted.

Cross int. 29. Was there not more or less objection or doubt entertained by the friends of the Tract cause in Massachusetts, as to the propriety of the removal of the publications of the Tract Society to New York? and how were these doubts or objections overcome?

Ans. So far as I have knowledge, those doubts and objections existed mainly in Andover, and among those who wished to retain the Society's business there. Several years after the National Society was formed in New York, I was in Andover, and Capt. Flagg of the firm of Flagg & Gould, agents of the Society, who had recently joined the church, said to me very frankly, I knew you were right in thinking that the National Society ought to be in New York, but it did not accord very well with my interest. [Objected to as not responsive, and as otherwise incompetent.] So far as I know, there were not other extensive objections to be removed.

Cross int. 30. Had you expressed the opinion to him, that the National Society ought to be in New York?

Ans. Not in that conversation. I don't remember whether I ever had before. I think I had not before seen him for some years.

Cross int. 31. Is it at all improbable that you had expressed such opinion to him formerly, and before the Society was established in New York?

Ans. I think he knew my opinions, as this was years after the Society was in active operation in New York; but I recollect no previous conversation with him on that subject.

Cross int. 32. Opinions entertained by you at what time? previous to the establishment of the Society in New York?

Ans. I suppose he inferred, as I was Secretary at New York, and was laboring there, that my opinion was in favor of a National Society there, and that he took this for granted without my having expressed it to him formally at any time. I don't remember when those opinions were entertained by me.

Cross int. 33. In explaining the remark to which you have testified of Mr. Flagg to you, viz., I knew you were right, etc., you said that you think that he knew your opinions; do you not refer to the opinions which you entertained previous to the actual establishment of the Society in New York?

Ans. My meaning was, that I supposed he knew my opinions when he was speaking with me.

Cross int. 34. Do you then wish to change your former answer, wherein you testified that he said, "I knew you were right," etc.?

Ans. The word "opinions" is not in my answer to cross-interrogatory 29, nor in Capt. Flagg's words, but was introduced by the interrogator in cross-interrogatory 30. I do not wish to change it.

Cross int. 35. Were not doubts or apprehensions entertained by the friends of the Tract cause in Massachusetts, who, so far as you know, had no selfish or pecuniary interest to serve, as to the propriety of the removal of the publications of the Tract Society to New York, arising from some doubt or anxiety as to the orthodox or evangelical character of the publications which might be made?

Ans. I do not think such doubts or apprehensions existed extensively in the minds of those who had been active friends of the Tract Society in Boston, but believe that those friends were in the main highly gratified by the formation of the Tract Society in New York.

Cross int. 36. Were not such doubts and apprehensions entertained and expressed to some extent?

Ans. I do not know how far.

Cross int. 37. Were they entertained and expressed at all?

Ans. I do not remember such expressions. They may have been made.

Cross int. 38. Was there, or not, any anxiety entertained and expressed by the friends of the Society in Boston, that the publications of the Tract Society, New York, should continue to present what they esteemed the great evangelical doctrines, in their fulness?

Ans. I think there was great confidence in the Publishing Committee at New York on that subject.

Cross int. 39. Before the union was formed, and while it was in contemplation, was there, or was there not, any anxiety expressed by the friends of the Society in Boston on the subject, whether, if the publication of tracts and books was removed to New York, the publications which should be made by the New York Society would continue to present fully the great evangelical doctrines which were deemed important by the friends of the Society in Boston?

Ans. I do not remember the expression of such anxiety; but so far as it could have existed in any mind, the election of Dr. Edwards as a member of the Publishing Committee, without whose approval no publication could be issued, and the guaranty that no change should be made in the Boston Society's series without the approval of the Rev. Dr. Woods, and the eminently evangelical character of

the Rev. Dr. Spring and other members elected on the Publishing Committee, must have entirely relieved such anxiety.

[Here, at three-quarters past 4 P. M., the examination was adjourned by agreement, until 9 A. M. of Friday, July 18th, 1862.]

[Pursuant to adjournment, the examination was resumed at 9 A. M. of Friday, July 18th, 1862.]

Ans. to cross int. 39 *continued.* I wish to add a word to my answer, if I may. All of the six members of the Publishing Committee, Rev. Drs. Milnor of the Episcopal church, Knox of the Reformed Dutch, Spring of the Presbyterian, Edwards of the Congregationalist, Sommers of the Baptist, and Summerfield of the Methodist, who were elected in 1825, had then, and continued to have through life, the fullest confidence of the evangelical churches throughout our country.

There is a slight error in my answer to cross-interrogatory 8, which I wish to correct, in the words, "the proposition to remove to New York was declined." The fact was, that that proposition was not formally declined nor accepted, but the subject was referred to the Executive Committee.

Cross int. 40. By whom, if any one, was this alleged error in your answer to the 8th cross-interrogatory brought to your notice, and when?

Ans. The Rev. Mr. Eastman mentioned to me last evening a doubt whether I had given a correct answer to that interrogatory, and on a moment's reflection I perceived that I had not. The correct answer I gave in my answer to cross-interrogatory 7.

Cross int. 41. Was said proposition accepted, or was it declined by the Executive Committee, to whom you now say it was referred?

Ans. The report of the Executive Committee on the subject thus referred to them is accurately given in my direct testimony. The Executive Committee took action on the subject, which led to the formation of the Society in New York, as fully stated in my answer to direct interrogatory 3. The last clause is my answer to this question, as I do not mean that the Executive Committee ever made a report in form.

Cross int. 42. Is it within your personal knowledge whether said Committee did accept or did decline said proposition? if so, please inform us which it was.

Ans. They did neither formally accept nor decline it.

Cross int. 43. Was not the addition of Dr. Edwards to the Publishing Committee of the New York Society made to meet the under-

stood wishes or anxieties of the friends of the Tract Society in Boston?

Ans. It was made with the understanding that it would be highly acceptable to all the friends of the Tract Society in Boston.

Cross int. 44. Was it not made after the New York Society had appointed its Publishing Committee?

Ans. It was not. The nomination of Dr. Edwards was made two days before the formal organization of the National Society. A *preliminary* meeting was held March 11, in which the form of a constitution and nomination of officers was proposed for the consideration of those who were publicly requested to send Delegates to the Convention which agreed on the formal organization of the Society and was held May 10th, as fully stated in my answer to direct interrogatory 3. If I understood Mr. Warren in a statement that he here made, he referred to the meeting, March 11th, as if the Society was then organized; but the proceedings of the meeting March 11th were only preliminary.

Cross int. 45. Was not the Publishing Committee nominated and agreed upon at the meeting of March 11th, as it was afterwards constituted and ratified at the formal meeting of May 10th, with the exception of the name of Dr. Edwards?

Ans. Dr. Edwards was added to the number of those who were proposed March 11th, as stated in my answer to direct interrogatory 3. My recollection would be that the same five were so ratified, but I wish to refer to the first Report. On referring to the first Report, and a notice of the preliminary meeting, I find that so little importance was attached to the provisional nomination, March 11th, that no record of it is there retained. My impression is that the Rev. Mr. Summerfield, who was elected May 11th, was not nominated March 11th.

Cross int. 46. With the exception of Mr. Summerfield and Dr. Edwards, is it not your recollection that the persons who were nominated in March, subsequently constituted the Committee which was ratified at the meeting of May 11th?

Ans. I think Drs. Milnor, Spring, Knox, and Sommers were nominated March 11th, and elected May 11th. If the interrogator will let me know what facts he wishes me to give within my knowledge in the briefest form, I will readily give them.

[Last clause objected to as not responsive to the question, and as an improper statement in any view by the witness, and not justified by the previous course either of the cross-examining counsel or of the witness during cross-examination,

and because the only proper mode for a witness to show his readiness to furnish information is by giving fair answers to the questions which are put, and not by protests similar to the one objected to.]

Cross int. 47. Was it not the understanding at the time that Dr. Edwards was added to this Publishing Committee, that one member of that Committee should always be selected from the Congregational denomination of New England who should be satisfactory to the Boston Society, or its Executive Committee?

Ans. Nothing to that effect had been stipulated or suggested in my hearing. A more full statement is given in my answer to direct interrogatory 5.

Cross int. 48. Was it not understood, to your knowledge, that the New York Society would always elect on their Publishing Committee a Congregationalist who should be acceptable to the Society at Boston?

Ans. No such stipulation or words, to the best of my knowledge, had ever been uttered on that subject. My understanding is that the election of Dr. Edwards from the Congregational church, like the election of Dr. Milnor from the Episcopal church, was ground of Christian confidence that a member of kindred spirit would be continued on the Committee from those respective denominations.

Cross int. 49. I do not inquire whether any such stipulation or words were uttered, but I do ask you, was it not understood at the time of the formation of the union, that the New York Society would always elect on their Publishing Committee a Congregationalist who should be acceptable to the Society at Boston?

Ans. I ask that the interrogator will explain what he means by understood—understood by whom?

Cross int. 50. Have you not heretofore stated that it was understood, (referring to the period of the formation of the union, and to those both from the Boston Society and the New York Society who were active in forming that union,) that the New York Society would always elect on their Publishing Committee a Congregationalist who should be acceptable to the Society at Boston? and if so, was that statement true, or was it false?

Ans. The terms in the parenthesis are so indefinite that I cannot give a direct answer. I don't understand what the words, "referring to the period of the formation of the union, and to those both from the Boston Society and the New York Society who were active in forming that union," are intended to import.

Cross int. 51. I repeat the former question, leaving out the parenthesis, which you say is so indefinite that you cannot understand it.

Ans. For myself individually I expected to do what I could that the member of the Publishing Committee from the Congregational church should be acceptable to the great body of that denomination; and I considered the Society at Boston as combining many of the prominent tract friends from that denomination whose wishes claimed special regard. I believe such an understanding was mainly within myself, it not having been expressed to me by others. In this sense I have often said that it was understood that the wishes of the Society in Boston would be duly regarded in any new nominations of a member of that Committee. But, to the best of my knowledge, any stipulation or agreement to this effect made by either the Society at New York or the Society at Boston or their officers had no existence in fact, and consequently cannot be shown.

[Answer objected to as not responsive, and evasive.]

Cross int. 52. You are not interrogated as to what your own understanding may or may not have been, nor for any construction of any statement which you may have heretofore made; but this is the question, which please answer: Have you not heretofore made this statement, viz., that it was understood that the New York Society would always elect on their Publishing Committee a Congregationalist who should be acceptable to the Society at Boston?

Ans. It is not improbable that I have on various occasions, *currente calamo*, but I know not that I have made such a statement officially; if I have, it was unguarded and liable to be misunderstood. The facts bearing on the question I have above stated as accurately as I could, and perhaps more definitely in my answer to direct interrogatory 5.

[All but the first sentence in this answer is objected to as not responsive.]

Cross int. 53. You say that it is not improbable that you have made such statements; is it not within your actual recollection that you have made them?

Ans. It is not that I have made this statement precisely in this form. I have already stated what I intended and wished to do on this subject, and in this sense of the term "understood," I have already said that I probably have frequently made such a statement.

[All but the first sentence objected to as not responsive.]

Cross int. 54. Is it not within your recollection that you have heretofore made this statement, which you say it is probable that you did make, whatever that statement may have been?

Ans. I think I have answered that question already.

Cross int. 55. Was your recollection of the transactions and understandings which took place and existed at the time of the forma-

tion of the union of the two Societies and preliminary thereto less accurate in 1849 than at the present time?

Ans. I do n't see what answer can be made to that question. I could not as a man, and certainly ought not under oath distinctly to answer a question so indefinite to my mind as is implied in the term "understandings" in the question. The answer might be yes, or it might be no; and in the senses in which the term is liable to be applied, both answers might be true.

[Answer objected to as not responsive, and evasive.]

Cross int. 56. Will you please look at the article contained in The Independent of April 19, 1849, entitled, "Good of the American Tract Society," and signed with the initials "W. A. H," [and marked Exhibit A 2, J. E. M., Com'r,] and say whether or not you are the author of the same?

Ans. I wrote that article as far as possible to conciliate our friends of The Independent, in which I said, "It was understood that the new Society would always elect on that Committee a Congregationalist who should be acceptable to the Society at Boston, which continued to act as a Branch of that at New York." Perhaps it was incautious to make that statement, liable to be understood differently by different parties. It was true only in the sense which I have substantially above explained.

[All but the first four words, objected to as not responsive.]

Cross int. 57. Was, or was it not true, according to the sense in which it would ordinarily be understood by intelligent readers?

Ans. I can add nothing to my above attempts to make the subject plain according to the facts.

Cross int. 58. When in that article you say, "It was understood that the new Society would always elect," etc., did you refer exclusively to your own personal private understanding?

Ans. I think the expression was a loose one, and in that respect perhaps questionable. I do n't see that any answer I can give will give additional light as to the facts.

[Answer objected to, as evasive of the question.]

Cross int. 59. When you used the expression in that article, "It was understood," did you intend to refer only to your own private personal understanding of the matter, and did you intend to be so understood by the readers of that article?

Ans. This question seems to me in substance the same as one last answered, and I have nothing to add to that answer.

[Objected to, as evasive.]

Cross int. 60. Do you decline to state what you yourself meant, and what you intended your readers should understand by the expression above referred to, "It was understood?"

Ans. I decline to state no facts of which I have knowledge bearing on this subject, but my oath prevents me from giving answers to questions which in my apprehension do not admit of a categorical answer, yes or no, without liability of either answer being misunderstood, the difficulty lying in the nature of the question proposed.

[The answer objected to, as plainly evasive.]

Cross int. 61. Will you please look at the article published in The Recorder and Telegraph, May 6th, 1825, signed "H.," a certified copy of which is hereto annexed and marked Exhibit M, J. E. M., Com'r, and state whether you are the author of the same?

Ans. I think it was written by me.

Cross int. 62. Have you any doubt about it?

Ans. I have no distinct recollection of writing the article, but the internal evidence shows me that it is mine. And I am glad these questions are proposed, because an importance has been attached to the article of which I never dreamed, and interpretations given of which I think it is not susceptible.

Cross int. 63. By whom were tract operations conducted on what you have described to be the field of the Boston Society after the union of the two Societies?

Ans. If I understand the question, the answer is, by the Branch of the National Society.

Cross int. 64. Do you mean by the Boston Society?

Ans. I mean the American Tract Society located at Boston, which on the 26th of May, 1825, three weeks after said article in The Recorder was published, became a Branch of the National Society in New York.

Cross int. 65. So far as you know, did the New York Society ever assume any authority or control over the Executive Committee of the Boston Society, in their management of the affairs or administration of the funds of the Boston Society?

Ans. The relations of the National Society and the Branch were so cordial and fraternal, that no authority or control was needed, and I recollect no such use of those terms during the thirty-three years they were connected.

Cross int. 66. Did the New York Society have in fact, or ever claim to have, any such authority or control?

Ans. That question seems to me to involve the whole question

of what was implied in the Society at Boston assuming the relation of a Branch, which subject is quite fully presented in my answer to direct interrogatory 4.

Cross int. 67. The last question is repeated.

Ans. I have nothing to add to my answers to the two last questions.

Cross int. 68. Who determined what application should be made, from time to time, of the funds of the Boston Society?

Ans. I suppose its Executive Committee, who, while that Society was a Branch, paid over to the National Society, in donations, such funds as they had over and above what was needed to supply their own field, as more fully stated in my answer to direct interrogatory 4.

Cross int. 69. You say in your direct testimony, "by the Society at Boston becoming a Branch, the Society at New York did not expect it to give up its act of incorporation, its name, or its members:" was it not also understood that it was to retain its constitution, its funds, its officers, and its auxiliaries; and was not such a statement made by its Executive Committee to the public immediately after the formation of the union?

Ans. I have no knowledge that all these items were included in their statement on that occasion.

Cross int. 70. Please look at Exhibit B, J. E. M., Com'r, Report for 1825, page 21, and state whether you do not find this passage, in the communication of the Executive Committee of said Society, signed by Leonard Woods, and dated May 31st, 1825: namely, "The American Tract Society, which has been in successful operation for so many years, and has taken such strong hold on the affections of the Christian community, retains its distinct organization, its constitution, its members, its funds, its officers, and its auxiliaries?"

Ans. I do. This communication of Dr. Woods, however, is not a part of an agreement between the two Societies, though I see no objection to any thing in his communication.

Cross int. 71. Do you mean by your last answer to say or to imply that the statement quoted, and made by Dr. Woods on behalf of the Executive Committee to the public, was not entirely accurate and true?

Ans. I see no call upon me to endorse every word in such a document; I have said already that I make no objection to it. In a single item, the reference to the funds of the Branch Society, Dr. Woods must have expected that so much of them as could be paid

to the National Society, or given to the National Society, would be so paid or given.

[Answer objected to, as incompetent and not responsive.]

Cross int. 72. When did you first see this address of the Executive Committee, dated May 31st, 1825?

Ans. Very soon after it was issued, and inserted it in the Tract Magazine, and the Appendix to the National Society's First Annual Report, so far as I remember.

Cross int. 73. Did you in said Magazine, or in said First Annual Report, state or suggest that said address of the Boston Executive contained any error or misstatement of fact?

Ans. I did not. As I have already said, I cordially approved of that address; and so far as I know, it was altogether acceptable to both Societies.

Cross int. 74. In the arrangement between the two Societies of the fields to be occupied by them respectively for collection, was it not understood or agreed that all sums collected from donations or otherwise, within the field of one Society, should go into the treasury of that Society, unless the donor specifically directed otherwise? and has not this been the uniform practice?

Ans. I think this has been the uniform practice, but do not know that any such written agreement was made or entered into.

Cross int. 75. You have not been asked whether any such *written* agreement was made or entered into: did you understand that to be the inquiry, upon your oath?

Ans. I decline answering that question, as in my opinion an improper one to be asked.

Cross int. 76. Was there not such an understanding, verbal or written, existing between the two Societies, or their officers or secretaries, as is inquired of in cross-interrogatory 74?

Ans. I think I have given the best answer that can be given to that, in saying, "I think this has been the uniform practice," and in which I believe both Societies cordially concurred. The historical fact of what was done seems to me more important than any mere agreements.

Cross int. 77. Are we then to understand you as declining to answer this plain question, whether or not there was either a verbal or written understanding or agreement between the two Societies, or their officers or secretaries, as inquired of in cross-interrogatory 74?

Ans. If the interrogator will, as I have before requested, tell me the precise meaning of the word "understanding" in this question, I

will endeavor to answer it; but I cannot under oath, nor as a man, give a categorical answer, which from the terms of the question, whether yes or no, may be honestly understood in two opposite senses.

[Answer objected to as evasive, and as apparently intended to be so.]

Cross int. 78. In your direct testimony you state, "The name American Tract Society was not given up by the Boston Society when it became a Branch, because in its becoming a Branch the one object to be gained by the united Societies, the highest prosperity of the Tract work in this country and through the world, required no change of name or relinquishment of the act of incorporation;" do you mean to be understood, that the reasons thus given by you were reasons which were given by the Boston Society or its officers at the time of the formation of the union for not changing the name of that Society?

Ans. I do not. In my own mind, they were rather reasons why the Society in New York should not ask that the name be given up.

Cross int. 79. In your direct examination, you state that "an examination shows that in ten years, from 1846 to 1855 inclusive, the name American Tract Society simply, as applied to the Society at New York, occurs in the Messenger more than 700 times; while in the same papers the name, when applied to the Boston Society, occurs some 200 times with the word Boston appended:" do you make this statement from your own personal examination of the papers referred to?

Ans. I do not. This examination was made by some of my fellow-laborers, and the figures thus footing up shown me. My familiarity with the paper would lead me to suppose the facts to be nearly so, and I have no doubt they are accurate.

[All except the first sentence objected to, as not responsive.]

Cross int. 80. During the union between the two Societies, to which Society was a legacy made by a testator residing within the field of the New York Society to "the American Tract Society" payable?

Ans. I suppose every testator acted according to his own discretion. Neither Society had a right or wish to control him, so far as I am informed.

Cross int. 81. By which Society was a legacy received, given during the union to "The American Tract Society" simply, by a testator residing within the field of the New York Society?

Ans. I suppose generally it was received by the Society to whom it was paid.

Cross int. 82. Where the imprint of a publication contains the names of two individuals or societies, does not that indicate that the publication is made by both?

Ans. I should think it usually did.

Cross int. 83. When you stated in your direct testimony that the Christian Almanac was published at New York, and not at Boston, did you not mean, and is it not true, that it was printed in New York, but that one edition each year was published in Boston until 1840?

Ans. I believe I did not use that language. I made no such statement, to my knowledge. I stated that "for many years local editions [of the Almanac] were issued for several of our principal cities and towns, containing local matter adapted to each locality. One of these editions has been issued every year, I believe, in Boston, but in various forms, as was desired." I now find Exhibit —, J. E. M., Com'r, containing the Christian Almanac for 1831 to 1840, inclusive, issued for Boston and with the Boston imprint, and perceive at once that a large part, or the whole of each number was printed by the Society in New York. This shows conclusively that Mr. Warren in his testimony drew an erroneous inference from the reference to the Christian Almanac in the records of the Boston Executive Committee.

Cross int. 84. Was not the whole of Exhibit —, being the Christian Almanac for the years 1831 to 1840 inclusive, issued and published by the Boston Society as one of its publications?

Ans. It was; as the great body of publications it procured from the Society at New York were, and the printing paid for by the Boston Society to the New York Society in the same manner as the printing of the other publications. With the Boston imprint, and advertisements of the Boston Society and of Lincoln & Edmands, it is not strange that any one, on seeing the Almanac, should suppose that it was printed at Boston, and not by the Society at New York. In some of these Almanacs advertisements of Lincoln & Edmands are inserted, as I suppose, printed by them. Further particulars might be stated concerning these Almanacs, but I suppose they are not necessary.

Cross int. 85. Is the same true in reference to the publishing of Exhibit K, J. E. M., Com'r, being "Permanent Temperance Documents of the American Temperance Society?"

Ans. That volume of Temperance Documents had been printed for some time, I believe, by Perkins, Marvin, & Co., and was sold by

Seth Bliss, 5 Cornhill, among others, for the Temperance Society or the Tract Society at Boston. This volume was approved by the Publishing Committee at New York, and sold to a considerable extent by both Tract Societies. Mr. Bliss was then Secretary of the Boston Society, and 5 Cornhill its place of business.

Cross int. 86. In your direct testimony, you stated that "the Committee of the Branch voted, June 16th, 1826, 'that it was not their intention to print any more tracts, but to procure such as shall be wanted from the American Tract Society at New York,' except that they proposed to fill up the Boston Society's volume 8:" did you then give the whole of such vote? and is not the rest of said vote as follows: "*And such tracts as it may be deemed at any time important to publish, aside from the regular series adopted by the Society at New York?*" [The italics are not in the original.]

Ans. In my answer to direct interrogatory 22d, I was explaining how it was that the amount expended by the Society in Boston for the issuing of publications not received from the Society at New York was not so large as Mr. Warren had inferred, as I thought, from very brief minutes of the Committee of the Boston Society. I should have quoted the passage added, but from the wish to save time and room.

Cross int. 87. In the statement in your answer to direct interrogatory 22, that a very small margin was left "to be filled by proceeds of sales of any tracts or books of the Society's regular series which they could have issued," do you not exclude all the tracts or other publications which have been gratuitously distributed by the Boston Society?

Ans. My statement on this subject was *ex tempore*, without the possibility of any careful examination, and was intended to be very general. As the Branch's total receipts for sales had been but $597,000, and of this sum they had paid to New York for publications, furnished at a discount of 25 to 27½ per cent., the sum of $531,000, I saw that that discount covered more than the difference, and at a glance, that the Society at Boston could not have received any large amounts from the proceeds of any regular series of publications not purchased from New York. Certainly the grants should be taken into this account, and also the fact that the Society at Boston sold many of their publications at a discount, neither of which I did. I did not attempt special accuracy.

Cross int. 88. Did not the Boston Society gratuitously distribute every year a very large amount of tracts and other publications?

Ans. They certainly did, and thus coöperated largely in the general work of the National Society. I have never intended to intimate any thing to depreciate the labors and usefulness of the Society at Boston.

Cross int. 89. Did not the Boston Society, after the union, continue to prosecute tract operations within what you have described to be its field, substantially as it did before?

Ans. Certainly, and I suppose with increased vigor.

Cross int. 90. Was it not its own work, and so considered to be, which it was thus doing?

Ans. I suppose that both the National Society and the Branch regarded the work thus done by the Branch as a part of the great work of the National institution.

Cross int. 91. What had the New York Society to do with the work which was done by the Boston Society within its own field? and what did it do?

Ans. It took a deep interest in that work, and in various ways encouraged it, embodying statements of it in its annual reports or periodicals, consulting with officers of the Branch concerning it, with mutual counsels between the National Society and the Branch as to this and all other parts of their great work.

Cross int. 92. Had not the Boston Society already begun this work before the existence of the American Tract Society in New York; and was there any agreement or understanding that the Boston Society in any degree surrendered this work within its own field, or its control or direction, to the New York Society at the formation of the union?

Ans. The Boston Society did prosecute this work before the American Tract Society at New York was formed; and I would extend the answer to the latter part of the question, that on the one hand the most intimate union between the two Societies was ever cherished, and on the other hand, every thing that might seem to trammel or prevent the freest action of the Branch in Boston was ever avoided. I think these two points very essential in understanding the true relations of the two Societies.

Cross int. 93. Did the Boston Society, at the formation of the union, surrender to the New York Society the right or authority to trammel or prevent the freest action of the Boston Society within its own field?

Ans. If I might choose my own form of speech, I would say that the terms "surrender," "right," "authority," "trammel," and "pre-

vent" scarcely had a place in the vocabulary of the united Societies.

There was no stipulation as to any such surrender, so far as I know.

Cross int. 94. So far as you know, did the Boston Society understand that they were making any such surrender?

Ans. I think that question is answered in my preceding answer.

Cross int. 95. In your answer to the 19th direct interrogatory, you say that "the Boston Society requested a change to be made in the Publishing Committee; that request was laid before the Board, and Rev. Dr. Hopkins was nominated in place of Dr. N. Adams." By whom was Dr. Hopkins nominated?

Ans. In the meeting of the Board at New York, Dr. Hopkins was nominated by the Rev. Dr. Bacon, as he had previously been, first by the President of the Boston Society, and then by a special Committee of the Boston Society. My impression is, that Dr. Hopkins would have been an acceptable member, and that the action of the Board was controlled by their unwillingness to displace an existing member; but I may err in this.

Cross int. 96. In your answer to the second direct interrogatory you say, "The Society I serve being the defendant, I yield to the apparent necessity," etc.: is not the Boston Society also a defendant in the suit in reference to the legacy of Mr. Pease; and is the New York Society a defendant in any other suit pending between the two Societies?

Ans. I am not conversant with legal terms nor proceedings, and leave the question to others to be answered.

Cross int. 97. Using the terms in precisely the same sense in which you used them when you testified under oath, "the Society I serve being the defendant," and in no other sense, is not the Boston Society also a defendant in the same suit, in reference to the legacy of Mr. Pease?

Ans. Since I began to give testimony I have understood that the two cases before the court were in this respect not alike, but I leave all this to men more conversant.

Cross int. 98. Did not the New York Society give a written obligation to the administrator of the estate of Mr. Jones to repay to him the legacy given by Mr. Jones to "The American Tract Society;" and was it not by giving such obligation that it received from him the amount of that legacy?

Ans. I understood that the Society at New York did give such a

guaranty, but how far it was made a condition of the receipt I am not accurately informed.

[Here by agreement, three quarters past four P. M., the examination was adjourned until Saturday, July 19th, 1862, at nine A. M.]

[Pursuant to adjournment, the examination was resumed at nine A. M., this 19th July, 1862.]

Direct resumed int. 1. Will you state whether you were present at a meeting of the Boston Society at the time they voted to become a branch of the National Society, and whether any thing was said, and if so, what, in regard to the mode of constituting the Publishing Committee of the National Society, or the field to be occupied by the Boston Society, or as to the change of name of the Boston Society? State fully all your knowledge upon this subject?

[Objected to, because the topics inquired of were fully gone into in the direct testimony of the witness.]

Ans. I was present at that meeting. The Society at New York having been formed, and the Society at Boston having adjourned from their anniversary to Thursday morning, May 26th, 1825, to meet a highly respected Delegation from the Society at New York, to take action in reference to a union, the hour was momentous as to the Tract interest. After prayer, this subject was at once introduced. I took no part in the proceedings, but it was a turning-point in the Tract interests of this country, and of my life, which will never be forgotten.

Dr. Edwards proceeded, with great clearness and frankness, to give a history of the steps which had led to the great question now before the meeting; stating just what the Committee of the Society at Boston had, and had not, done. They had sent their Assistant Secretary to New York "to carry into effect the request of the Society made at their meeting, January 11th," but the Committee had taken no action whatever in forming the National Society at New York, and it was for the Society itself to decide as to the question now submitted to them. The Rev. Dr. Milnor most happily presented to the meeting the views of the Delegation in favor of a union. The Rev. Dr. Spring and others spoke directly to the subject, and Dr. Woods, as the meeting proceeded, prepared and read a resolution, which not being satisfactory to all present, he proposed one or two amendments, when the Rev. Dr. Griffin moved towards the table, asked to take the pen, and wrote and offered the resolution to become a Branch. See Exhibit C, page 27. The resolution was adopted

without a dissenting vote, when the Society referred the adjusting of all details of the union to their Executive Committee, and the meeting adjourned.

To my recollection, which is very distinct, nothing was said in this meeting as to how the Publishing Committee of the National Society should be constituted, or what should be the name or the field of the Branch, or on any other subject.

[Answer objected to as above, and because it is a repetition in substance, and almost in terms, of the testimony of the witness on these points on his direct examination.]

Direct resumed int. 2. Can you state whether any action of either of these Societies has been had since that time with reference to either of these points? and if so, what?

Ans. Neither Society met again until the anniversaries of May, 1826, when both reported the happy results of the union. Both Societies moved forward with increasing *impetus*, and for near thirty years no question was raised at any meeting of either Society, to my knowledge, as to how the Publishing Committee should be elected, or as to the field, or name, or any other relations of the Branch Society at Boston.

As to the question whether individual officers or members of the Society at Boston conversed with me in reference to the manner in which the interests of that Society should be represented in the Publishing Committee, I not only have no knowledge of such conversation, so far as I remember, but I think a moment's attention will show that I could hardly have held such a conversation with members of the Committee of the Society at Boston after early in February, when I went as a delegate to New York until May 26th, when the union was consummated in Boston. I was in New York from early in February until near the end of March, and when I returned to Andover every member of the Committee was reserving further action, lest he should forestall the action of the Society by assuming powers not entrusted to him. On May 11th, Dr. Edwards, Secretary and manager of their Publishing department, had himself been elected on the Publishing Committee at New York, and on that point all were satisfied. I, however, who in New York had said and done much as to the desirableness of perpetuating on the Publishing Committee some one who should be satisfactory to the Society at Boston, felt most deeply the responsibility of doing all I could that the Congregationalist member of the Publishing Committee should continue to be one in whom the friends and supporters of the Society from

that denomination, and especially the Committee and officers of the Branch, should have confidence. This object was happily secured without any officious attention of mine to the mutual satisfaction of all parties, till after about thirty years a conflict arose, which ended in a separation, as more fully stated in my direct testimony.

Perhaps it is proper to add, that as soon as I found in New York so deep an interest in the establishment of a National Society, and the large and liberal contributions for that object were so promptly made, I saw that a Society would be formed there whether I favored it or not, and I believed that by the union of the Society at Boston in such a National Society it might be expected to be, as I think it has been, a far more efficient and better Society than it could have been without the union of the Society at Boston in the National institution.

[Objected to as above, and because some portions of the answer consist merely of the comments of the witness upon other testimony in the case, and because the answer has apparently no reference whatever to the question put.]

Direct resumed int. 3. You stated on cross-examination that Mr. Warren had adopted a construction of documents written by yourself, different from your intention: will you state wherein that consisted? State fully.

[Objected to.]

Ans. The article referred to by Mr. Warren in the Boston Recorder and Telegraph of May 6th, 1825, I have no doubt was written by me, though I had forgotten that any such article existed, and now think that an importance has been attached to it to which it has no just claims. I think I now distinctly remember writing it. It was written at Andover *after* I had proposed to the Provisional Committee in New York that the Society at Boston should have the right to nominate a member of the Publishing Committee, and *before* I knew whether or not the Society at New York would consent to such an arrangement. I was evidently anticipating that Dr. Edwards, who was himself alone almost the Publishing Committee of the Society at Boston, would in some way be put upon the Publishing Committee of the National Society; and that as the action of that Committee, by the provisional constitution which had been proposed, must be unanimous, his election on that Committee would, as to practical results, secure a virtual union of the two Societies in the Publishing department. This is evidently what I had in mind when in the article I spoke of the Publishing Committee's uniting in what both Societies would approve, and what by a rather

strained figure of speech I called the Boston Society's "*employing the New York Society to do its printing*" in its new Tract-house, and with the great facilities it would have. This, I believe, was the true drift and aim of the article in the Recorder and Telegraph, and I believe that most or all of the other and somewhat momentous interpretations given to it by Mr. Warren, and inferences drawn from it by him, are erroneous and have no just foundation in the article itself.

The very numerous references made by Mr. Warren in his testimony to language in the Annual Reports of the National Society, much of it written and all of it prepared for the press by me, it is impossible for me now carefully to examine; but I discover, on a hasty reading, so many evidences of misapprehension, that I believe every passage, before it can be relied on, should be carefully examined in its connection, that it may be clearly understood in its true import.

In my answer to direct interrogatory 22, by the words, "a great part of Mr. Warren's references are to parts of the National Society's Annual Reports, which were written or prepared by me, and I suppose give a correct statement of the facts," I meant not that Mr. Warren's inferences, but that the passages referred to as they stand in the Annual Reports, "give a correct statement of the facts."

[Objected to, because it consists chiefly, if not wholly, of comments or misrepresentations by the witness of previous testimony in the case, and is not, in any sense, legal testimony.]

Direct int. resumed 4. In your cross-examination you stated that parts of the volume of Christian Almanacs, Exhibit —, J. E. M., Com'r, were not printed by the National Society at New York: will you point out those portions specifically, as far as your knowledge extends?

Ans. The manner in which the National Society for some years prepared local editions of the Christian Almanac for different parts of the country was very complicated, and at length relinquished as impracticable. The people of each city or state must have their own imprint and calendar, and various local matters, with great diversity each year, and in different localities. In the Almanac for Boston, for example, the imprint and calendar, astronomical calculations and local matter, were adapted to Boston; and in this case, Messrs. Lincoln and Edmands, who had long published a Boston Almanac, and were cordial friends of the Society, many years inserted their own advertisements. There was great diversity in different years, too minute, and

as it seems to me, too unimportant to be stated here. The details could mainly be furnished by a careful examination at New York.

Direct resumed int. 5. Will you state whether or not the imprint on the other publications of the National Society furnished the Boston Branch, as stated in your answer to cross-interrogatory 84, was similar to that upon the volume of Christian Almanacs there referred to; and if not, wherein it differed?

[Objected to, as leading and incompetent.]

Ans. Not at all similar. The imprints and preparation of the local Almanacs were an anomaly in the Society's operations. The differences in these imprints may perhaps be sufficiently inferred from my answer to the preceding question.

Direct resumed int. 6. Will you state whether or not the imprint on the other publications referred to in cross-interrogatory 84, was the ordinary imprint of the American Tract Society, New York?

[Objected to, as leading.]

Ans. In my answer to that question, I had reference to the imprint generally inserted on the Society's publications.

Cross int. 99. Were not your answers to the first three direct resumed interrogatories prepared beforehand, and written out by you, and read by you to the Commissioner?

Ans. I prepared full notes of those answers in pencil since the adjournment yesterday, and freely used them in my answers.

Cross int. 100. Did you not read those answers *verbatim* from your manuscript, or almost so?

Ans. Principally, but not wholly. I took the notes to secure accuracy, and to save the time of the Commissioner.

WILLIAM A. HALLOCK.

[The counsel for the New York Society here annexes the following volumes, which are marked Exhibits B 2, C 2, D 2, J. E. M., Com'r.]

TESTIMONY OF ISRAEL P. WARREN.

Mr. Warren recalled by New York Society.

Int. 1. Will you state how far your testimony in chief was the result of previous preparation and examination of documents, and how much time you spent in such preparation and examination, and how far your testimony was committed to writing before you were called to testify before the commissioner, and how far you read the same to the commissioner verbatim from your previous written statements?

[Objected to because all but the last topic inquired of was gone into by the New York Society on the previous examination, and because it is immaterial.]

Ans. I think I answered the first two clauses of this question fully and explicitly in my previous examination. I understood that the subject matter in relation to which I was to be examined was the contents of the records, reports, and other documents in the archives of the Boston Society. In making that examination I noted the pages, the dates, and other points of the matters that I found, sufficiently to enable me to refer to them in the examination, with sometimes a few words of quotation, and sometimes not, and in a few instances a slight memorandum of the connections of said passages, and the circumstances in which the events referred to took place, so far as to enable me to give my evidence intelligibly to the Commissioner. I scarcely read it at all *verbatim.* The portions which did not consist of quotations were catch-words, imperfect sentences, and the phraseology of these greatly varied from in the testimony itself. So far as I gave quotations they were, I think in every case or nearly every case, read from the original book or document from which I quoted, then before the Commissioner.

Int. 2. Will you state how many sheets of paper you wrote over in this way before you were called upon to testify?

[Objected to as immaterial.]

Ans. I cannot do it. The manuscripts which I had before me consisted of loose sheets of paper of various sizes, with scraps pasted upon them, stuck together with a pin.

Int. 3. Will you please answer the last question according to your best knowledge and belief?

Ans. If the question means to refer to what manuscripts I had in my hand, and used in the examination, not including the papers which were put in and made Exhibits, I have stated as exactly as I

can remember. The papers were all pieces of sheets of many different sizes—of several different sizes.

Int. 4. Do you intend to have us understand that you have no recollection or opinion as to the amount of paper written over in this way? and if not, will you state, according to your best knowledge and belief, what was the amount?

Ans. Some of the pieces were written on one side only, some on two sides, and some only partially on either side. It is very difficult to conjecture how much the whole would make.

Int. 5. Were you requested yesterday to bring in this manuscript, and did you state then that you had some of it at your office or place of business, which you would bring in? and was that true? and have you brought it in? if so, please produce it.

Ans. I was not, as I remember, during the session of the Commissioner, but in an informal conversation I was told that I should be asked concerning the manuscript. I did not state that I had some of it at my office or place of business, but said that a portion of it was destroyed. I said I had no objections to bring it in. What I stated was true. No intimation was made to me when it would be wanted, and as other evidence was being taken this morning, it did not occur to me that it would be wanted, and I forgot taking it in.

Int. 6. Will you state whether, on Monday last, while you were giving testimony before the hour of adjournment for dinner, you asked to have your further examination for that day suspended, for the sole reason that you could not go on with your testimony till you had had more time to prepare the same? and was the afternoon session of that day omitted, and a portion of the forenoon, solely on that account, as far as you know?

Ans. I did not. The counsel for the Boston Society being ill that day, had prepared certain questions which he had consented should be asked me in his absence. The examination proceeded during said morning session, and nearly completed said list of questions. I state according to my recollection. When near the hour of adjournment, it was proposed to go farther and complete the series of questions in the afternoon. I requested the examination to be deferred on the ground that counsel for the Boston Society was not present to put or to frame the succeeding questions; neither had I had time, in the pressure of other engagements, to look out and arrange the references to documents, etc., which would be needed. I did not ask a postponement solely on the ground specified in the question. The afternoon session I think was omitted. I do n't remember about the forenoon. Since

I began my answer, the Commissioner and respective counsel being present, have indulged in interlocutory conversation as to the time referred to, whether it was Monday or some other day; and on hearing this, I am led to doubt my recollection whether it was Monday or some other day.

Cross int. 1. Will you please produce the manuscript, or so much of it as still exists, referred to in the fifth direct interrogatory? and if all of it is not in your possession, please state where the remainder is, or what has become of it?

Ans. I will examine my desk, and do the best I can to comply with the request. I don't know but I have the whole. I can't answer more fully until I ascertain whether I have the whole.

J. P. WARREN.

[Here, at three quarters past twelve P. M. of Saturday, July 19, 1862, the examination was adjourned by agreement until Wednesday, September 3, 1862, for the examination of Mr. John Tappan and the Rev. Ornan Eastman, and no others.]

SUPREME JUDICIAL COURT.

Suffolk, ss. *September 23d*, 1862.

Pursuant to the order of court hereto annexed, upon certain days by me appointed for the purpose, I caused the witnesses, Henry Hill, Warren Fay, Horatio Bardwell, Charles P. Bush, J. W. Alvord, A. J. Gould, Charles D. Gould, and Israel P. Warren, on behalf of the American Tract Society of Massachusetts, and Henry B. Holmes, Alexander De Witt, William A. Hallock, Mary Pease, Robert M. Pease, William Chapman, Seth Bliss, David A. Strong, Ornan Eastman, and Israel P. Warren aforesaid, on behalf of the American Tract Society of New York, to be brought before me and examined on behalf of the parties in two certain causes now pending in the court aforesaid, in the first of which, pending in chancery in said court for the county of Hampshire, the two abovenamed Societies are parties on a decree to interplead, and in the other of which, pending in said court for the county of Suffolk, the American Tract Society is plaintiff, and Alexander De Witt, administrator, etc., is defendant. Each witness while present before me was examined carefully on oath touching the premises, and such examination was reduced by me to writing, and subscribed by the said witnesses in my presence, and is herewith returned. Both parties were present by counsel.

J. E. MAYNADIER,
Special Commissioner.

ORNAN EASTMAN RECALLED.

[ORNAN EASTMAN, recalled on the part of the New York Society, October 31st, at half past 3 P. M., doth say, in reply to interrogatories addressed to him by the counsel for the American Tract Society of New York, as follows, to wit:]

Int. 1. Will you state your recollection with regard to Dr. Justin Edwards' remaining on the Executive Committee of the Boston Society after he became a member of the Publishing Committee of the New York Society?

Ans. I think he ceased to be a member of the Executive Committee of the Boston Society from May, 1825, till May, 1828, when he became a member of the Executive Committee of the Boston Society for one year; and I think he was never elected on that Committee subsequently. He was a member of the Publishing Committee of the New York Society from its formation in 1825, till 1829, when he resigned. He was reëlected in 1840, I believe—1839 or 1840—and continued on the Publishing Committee till his decease in 1853, I think.

Int. 2. Under what name does the American Tract Society of New York receive funds?

[Objected to, because the subject of this inquiry was gone into on the previous examination of this witness.]

Ans. We receive funds in payment for publications and in donations. The funds received for foreign distribution, colportage, life-members, are received and acknowledged as donations.

Int. 3. Will you state whether you receive funds in any other way, and for any other purpose; and if so, what?—[objected to as above]—and whether any separate account is kept of these funds in the treasurer's office?

[Objected to as above.]

Ans. My answer to the previous question refers to the ordinary business of the Society, and for that purpose we received funds under no other designation than that specified. Funds are sometimes received for real estate, etc., out of the line. The treasurer enters on his book the monies received for publications and the monies received in donations, and the object, whenever it is specified, whether for foreign distribution, or colportage, or life-members. The money is kept in the same treasury.

Int. 4. Will you state how long, and to what extent, and in what form and manner the Boston Society has contributed funds in aid of the foreign field?

[Objected to as above.]

Ans. They have contributed to the foreign field, I think, since 1831 or 1832; commencing with some $150 or $200 per annum, and increasing it to $500 and $1,000, and so on up to $10,000 per annum; in all, up to $80,000 or $90,000, I should think. It has been remitted directly to the treasurer, in some cases; in other cases, at the request of the Society, it has been paid to the American Board of Commissioners for Foreign Missions, to the American Baptist Missionary Union, and to Mr. William Ropes for Russia, in behalf of the New York Society, and the receipts of the treasurers have been forwarded to the Society as cash. These payments to the Missionary Societies have often been in connection with other monies paid to these Societies at our request, on account of monies that they owed us for publications. The New York Society made large appropriations to these Boards for foreign distribution, and it was usually the case that the Boston Society were indebted to the New York Society for publications, and for convenience we requested them to make these payments in connection with their appropriations for foreign distribution. [Witness offers a specimen of one of the receipts of the American Board, and also one of the Baptist Board of the same year, marked by the Commissioner respectively, "A, N. A. P.," and "B, N. A. P."] The Treasurer, in forwarding these receipts to us as cash, specifies or advises us what portion is to be entered as a donation for foreign distribution, and what portion on account of publications. This course was pursued for a series of years.

Exp. f. 273-4.

Int. 5. By whom, and under what designation, were these funds remitted abroad; and with what Society was the business transacted at the Missionary Societies, and under what name?

Ans. They were remitted abroad by the Missionary Boards, and the business was transacted with the American Tract Society, so far as there was any occasion for further transaction of business respecting the donation.

The missionaries were advised of the appropriation by the Secretaries of the Boards, and also by the Secretary of the American Tract Society, who has from the beginning kept up a correspondence with each missionary station to which funds have been sent by the Society.

The missionaries are required not only to expend the funds for

publications in accordance with the principles of the Society, but also to make a report of the particular publications for which the money is expended. This has been done by missionaries in different stations for many years.

Int. 6. How far did the Boston Society designate the application of their donations, and what effect did such designation have upon the action of the New York Society and of the missionaries ; and how far did donations from the Boston Society affect the action of the New York Society differently from donations which they received from other sources?

Ans. The Boston Society usually specified the countries or different missions to which they wished their donations applied ; not in all cases. The New York Society usually made a list, after getting all the information they could of the wants of the different fields and of the amounts proposed to be forwarded for the year. The Boston Society made a selection of those to which they wished to pay in whole or in part Their appropriations came into our treasury in the same form as donations from other sources, and the remittances were made without any designation as to the sources from whence our monies came. Consequently the missionaries were not advised of the particular sources whence the funds came. The action of the New York Society was not affected by the donations from Boston differently from what they were from donations coming from other sources. The entire amount was made up from the aggregate received, and the whole was remitted as donations from the American Tract Society. In the Report of the Boston Society for 1833, it appears that $4,100 was contributed to the New York Society for foreign distribution, $2,000 of which is here stated without specification.

Int. 7. Do you recollect any other instances where the Boston Society made donations to the New York Society without specifying the particular object?

Ans. I do not recollect any in regard to the foreign field, though there may have been some. In the Treasurer's report of the Boston Society for 1828, there is mention made of a donation of $1,000 to the American Tract Society of New York. There is also mention made of $1,972 53 in the Report of 1829, for the valley of the Mississippi, [which is not strictly without specification or designation, but is general, leaving the Society at full liberty to expend the money in any department of their work, either of agency or tract distribution, in the whole valley of the Mississippi. The same is true in regard to all the appropriations of the Boston Society for the foreign field ; their

specifications being merely in regard to the country where they were to be employed, leaving all the details of the expenditure with the New York Society.]

[The clause in brackets is objected to as not being testimony, but merely the comments and argument of the witness.]

Int. 8. Will you state the origin of colportage, and in what mode and how far the Boston Society coöperated with it in the South and West?

[Objected to as above.]

Ans. The colportage of the American Tract Society, I think, originated in 1841. The first appeal in its behalf was made at the anniversary of the Boston Society of that year. The next day two men offered their services as colporteurs, Mr. Prescott and Mr. Follansbee; and a gentleman by the name of Valentine, I think, of Cambridgeport, proposed to give $150 to pay the salary of one of them. The two men repaired to New York, and spent several days at the Tract-house preparing for their work. Mr. Prescott was commissioned for Indiana, and Mr. Follansbee for Kentucky. From that time the work went on efficiently, and the Boston Society gave it a very cordial and effective coöperation. The favorite mode of contributing, with the people on their field, was by paying salaries of colporteurs. Individuals, churches, associations often contributed a sum sufficient to pay the salary of one or more, a large portion of which was forwarded to New York in aid of sustaining the work at the South and West. Some years the amount contributed in this form rose to $8,000 or $10,000. I have here a specimen or paper, which contains the sums the American Tract Society of Boston acknowledge in the American Messenger for colportage for the years 1853 and 1854, amounting to $9,983 25 in 1853, and $9,640 43 in 1854. [Paper referred to marked Exhibit C, N. A. P.] The Boston Society were accustomed to make remittances for colportage from time to time, as they had funds in hand, in sums of $500 or $1,000, or more, to be entered for colportage in our accounts. In the year ending 1854, remittances were made as follows: April, 1853, $1,000; May, $2,289; June, $1,000; July 7, $375; July 11, $974 69; 26th, $700; August, $2,000; January 9, 1854, $3,500; February, $1,500: total, $13,338 69. In the year ending April 1, 1855, sums were remitted in a similar manner, amounting to $15,612 76.

App. p. 274.

In a similar manner, remittances were made each year from 1843 to 1856. The total thus remitted for colportage, as appears in the Treasurer's reports of the Boston Society, were as follows: 1843,

$3,230; 1844, $8,500; 1845, $5,000; 1846, $8,604 25; 1847, $9,000; 1848, $12,375; 1849, $11,996; 1850, $11,629; 1851, $8,445; 1852, $8,736 27; 1853, $14,500; 1854, $15,338 69; 1855, $13,710; 1856, $12,566: total, $143,570 21.

These sums as remitted were entered upon our cash-book for colportage simply, without any further specific designation. The Secretary of the Boston Society advised us, from time to time, that a large portion of these funds were contributed by individuals and churches, who expected them to be applied to the payment of salaries and expenses of colporteurs at the South and West. And they desired to receive reports from such colporteurs of their labors. It was our custom to designate a colporteur for each individual or church contributing $150 or more, and send the name of such colporteur with his field of labor in the South or West to the Secretary, to be communicated to the contributors. As it was our custom to require each colporteur to make a quarterly report of his labors to the Society, on the receipt of these reports each quarter, they were copied, or such parts of them as would be likely to be interesting to the patron or contributor, and forwarded to the Secretary at Boston for the several donors. This course was pursued for many years, and appeared to be acceptable to all parties interested. No accounts were kept by which we could ascertain whether the whole amount received from the Boston Society was expended each year, in payment of the salaries of particular colporteurs whose reports were sent to the donors on the Boston field, nor did we know how large a portion of what was remitted by the Boston Society was contributed in large sums with particular reference to the services of colporteurs. It seemed to be the object of the Boston Society to do all they could in aid of the work, and it was our object to do all we could in meeting their wishes in carrying it forward. The colporteurs were not usually advised of the name or address of the donors, nor were the donors advised of the post-office address of the colporteurs.

Int. 9. Can you state how far the donations of the Boston Society for colportage were accompanied by the vote of the Executive Committee, and how far the votes of that Committee correspond with the sums remitted, as far as you have been able to ascertain?

[Objected to, as above.]

Ans. I do n't recollect that the remittances were accompanied by the vote of the Committee, nor to have seen the vote of the Committee in any instance; and I am unable to state how far the votes correspond with the sums remitted. I did not suppose, from the tenor

of the correspondence from time to time as I have seen it, that votes were passed in connection with each remittance. In examining the records of the Executive Committee last evening, I found there were votes recorded for remitting certain sums commencing in 1843, and I think, every year till 1847. After 1847, as far as I had time to examine, I was not able to find any vote authorizing a remittance to the New York Society for colportage up to 1857, during which period over $100,000 had been remitted for colportage.

[Answer also objected to, for that the witness undertakes to state what he supposes to be the tenor of correspondence not introduced, and also because he undertakes to state what is and what is not in the record-books of the Boston Society, which are not produced, and of which he is not the custodian.

The counsel for the New York Society states that the books referred to in the last answer are already in the case, as Exhibit E, J. E. M., and are now produced.

The counsel for the Boston Society states that the portion of the books referred to has been put in as Exhibit heretofore, and the same cannot now be produced in the manner stated by the New York Society, for it is not in their legal custody, and the objection is to the attempt to prove by a person who has not the legal custody of the books, and from what he states to be his examination of it, what is, or is not, found therein.]

Int. 10. What change did the Boston Society make in their own designation and upon their own records, after becoming a Branch of the New York Society?

[Objected to, as above, to former question.]

Ans. I notice at the second meeting recorded in their minutes, June, 1826, the record commences, "The Executive Committee of *the American Tract Society at Boston* held a meeting;" and this same entry is made of a meeting held July 12, 1826, and July 31, 1826. "The Executive Committee of the American Tract Society, Boston, held a meeting," August 17, 1826. "The Executive Committee of the American Tract Society, Boston, held a meeting, August 28, 1826." "The Executive Committee of the American Tract Society, Boston, held a meeting," December 18, 1826. "The Executive Committee of the American Tract Society, Boston, met" January 26, 1827. "The Executive Committee of the American Tract Society, Boston, met," February 7, 1827. "The Executive Committee of the American Tract Society, Boston, met." The records of the Executive Committee, book B, are designated, "The Minutes of the Executive Committee of the American Tract Society, *Boston*, are continued in this book from book A." [These entries are found in Exhibit D, J. E. M., Com'r.] In the same book, previous to the Society becoming a Branch, the record of the meeting of the Executive Committee, Sep-

tember 22, 1824, reads, "The annual meeting of the Executive Committee of the *American Tract Society*," etc., January 11, 1827. "A special meeting of the Executive Committee of the American Tract Society was holden."

[The answer objected to, for the same reasons as the answer above.]

Int. 11. Can you state whether the Treasurer of the Boston Society, after it became a Branch of the New York Society, had any authority, and if so, what, to remit funds to the New York Society at his own discretion? and how far this was practised?

[Objected to, as before to former question.]

Ans. I am unable to state fully in regard to either of the points in the question, but I find on the records of the American Tract Society, Boston, Exhibit D, under date of November 28, 1827, the following vote:

"That this Committee deem it important to forward funds to the American Tract Society, New York, to be passed to the credit of this Society, whenever they can be spared from the treasury, at the discretion of the Treasurer."

This vote was passed when I was Secretary of the American Tract Society, Boston.

Int. 12. During the union, to what extent were funds remitted from the states of Maine, New Hampshire, Vermont, and Massachusetts, directly to the New York Society; and what action was taken by the Boston Society in regard to this?

[Objected to, as to previous question.]

Ans. During the period of the union of the two Societies, more or less funds were remitted from these states to the New York Society every year. The total amount of donations from the states mentioned was $52,268 58; and from legacies, to the amount of $45,043 28. The disposition to contribute in these states to the National Society increased from year to year in the early period of the union; so much so, that on March 24th, 1830, the Boston Society passed the following resolution:

"*Voted*, That the sub-committee mentioned above make inquiries and report at the next meeting with regard to the expediency of this Society's taking measures to draw into its own treasury donations and legacies given within the field of its operations, such donations and legacies being more frequently made every year, directed to the New York Society rather than to the American Tract Society of Boston, which is sustained more especially for the benefit of this eastern section of the country."

This resolution is found in Exhibit D, page 82.

Int. 13. Were funds coming from without the states last named

ever remitted directly to the Boston Society? and if so, to what extent during the union?

[Objected to, as before to previous question.]

Ans. They were, to a limited extent. The current which was flowing towards Boston previous to the union continued to some extent, and as the lines between the Branch and the New York Society were never rigidly fixed, more or less contributions were made by individuals from other states. In Windham county, Connecticut, many of the churches continued to contribute, and have done so frequently for most of the period. The *legacy* from Woodstock in Connecticut of $500 from Miss Skinner was paid to the Boston Society; also a legacy of $400 from Dyer McCall's estate.

There were also payments made to the Boston Society, at the suggestion of the New York Society, of several legacies; one from Georgia, from the estate of Andrew Maybank, of $1,100 or $1,200. The Rev. Charles Colcock Jones, one of the executors of the estate, sent to the American Tract Society at New York two letters, stating that Mr. Maybank had left the legacy in trust to the executors for foreign tract distribution, and requested the Society to accept the trust; but as the Society at that time, 1835, was not incorporated, the Secretary wrote to Mr. Jones, stating the fact that the Society was not incorporated, and proposed to him to offer the trust to the American Tract Society of Boston. I have here a copy of the letter which was written. There was also a legacy of Mr. John Shackford of St. Louis, Missouri, of $10,000, which was referred to the Boston Society by the New York Society for collection, and was collected to the amount of between $7,000 and $8,000, and paid over to the New York Society. It is so entered on their Reports; as entered in the Treasurer's Report of the Boston Society, $2,750, in the year 1842; in 1843, $4,870 42. There was also a legacy of Levi Crocker of Clarkson, New York, of $1,000, which the New York Society referred to the Boston Society to collect.

[Answer objected to, as incompetent.]

Int. 14. Were legacies on the Boston field made to the "American Tract Society," or to the "Tract Society" without further designation, ever paid directly to the New York Society during the connection between the two Societies? State fully your knowledge in regard to the matter, and how the terms "American Tract Society" were generally understood in the states of Massachusetts, Vermont, New Hampshire, and Maine during this period in connection with legacies?

[Objected to as above, and because, except so far as relates to the state of Massachusetts, the inquiry in every state of the examination would be irrelevant and incompetent.]

Ans. They were frequently so paid. I have a list of a number of that description. In Hampshire county in Massachusetts the late Oliver Dickinson of Amherst left a legacy of $300 to the American Tract Society. It was paid to the American Tract Society, New York, in 1845.

Elihu Dickinson of Hadley left a bequest to the American Tract Society of $1,386 35, which was paid to the Society in New York in 1848–9, and '52.

Azuba Stacy of Hadley left a legacy of $169 85. Catherine Coolidge of Hadley left a legacy of $50 to the "Tract Society" simply.

In Hampden county, Massachusetts, a bequest to the American Tract Society of $50 from the estate of Harriet Stebbins was paid in 1848.

Abijah Chapin of Westfield left a bequest of $40, paid in 1843.

In Worcester county, North Brookfield, Clarissa Ayers made a bequest of $100 to the American Tract Society, paid in 1857.

At Haverhill, New Hampshire, Rebecca D. Gookin $100, paid in 1853.

At Middlebury, Vermont, Ethan Andrews $90; at Dorset, Vermont, Martin Kent $33, paid in 1859; Manchester, Vermont, Fanny Skinner $100; Peacham, Vermont, Josiah Shedd, paid in 1853, $2,000.

[The counsel for the New York Society offer as evidence of the extracts from the wills, referred to in the last answer, of Oliver Dickinson, Elihu Dickinson, Azuba Stacy, and Catherine Coolidge, "Exhibit D, N. A. P. Com'r.; of extracts from the will of Rebecca D. Gookin, "Exhibit E, N. A. P.;" of extracts from the will of Ethan Andrews, "Exhibit F, N. A. P.;" of extracts from the wills of Clarissa Ayers, Exhibit G, N. A. P.; of extracts from wills of Harriett Stebbins and Abijah Chapin, Exhibit H, N. A. P.; of extracts from the will of Fanny Skinner, Exhibit I, N. A. P.]

App. p. 275 to 278.

I have more knowledge of the subject of the general understanding of the term "American Tract Society" in Massachusetts, than in the other states named. In regard to legacies, my best knowledge and belief is, that where testators knew that there were two Societies by the same name, they designated one or the other; but that it has been a more common impression, previous to the separation of the two Societies, that there was only one American Tract Society, and

that that was the New York Society—the American Tract Society, New York. This impression is confirmed by many communications which we received from executors and administrators in regard to legacies they had to pay to the American Tract Society. I have here a letter from the executors of the estate of the late Hon. Abbott Lawrence, of which I produce a copy marked "Exhibit J, N. A. P., Com'r." viz.:

"BOSTON, August 18, 1858.

"DEAR SIR—The sum of five thousand dollars, bequeathed to the American Tract Society by the late Hon. Abbott Lawrence, was payable by the terms of his will, 'within three years after his decease.' That period expires to-day. A year ago we fully expected to pay all the legacies before this time, but the financial crisis of last autumn produced such a depreciation in the value of all kinds of property, that we could not turn into money the assets of the estate without unwarrantable sacrifice.

"Under these circumstances we are compelled to delay the payment of the various legacies, both public and private.

"By the provision of the will, interest was not to be paid until after the expiration of the term within which the legacy was payable. We shall accordingly pay interest on the legacy to the American Tract Society, commencing this day. We beg to say that the property now in our hands is more than sufficient to pay all the bequests, and we shall use our best exertions to discharge all claims upon the estate as soon as possible.

"Very truly your obedient servants,

"JAMES LAWRENCE,
J. HUNTINGTON WOLCOTT,
J. WILEY EDMANDS,
} EXECUTORS.

"REV. W. A. HALLOCK, D. D., SECRETARY
of American Tract Society, New York."

[The above answer and exhibits are also objected to as irrelevant and incompetent.]

Int. 15. Did you converse with Dr. Bardwell at Oxford in reference to the payment of the legacy of Mr. Jones? and if so, will you state any declarations made by him different from his recollection at the time he gave his testimony in your presence in reference to his first impression as to the Society intended by the "American Tract Society," and the relation between the two Societies?

[Objected to as leading.]

Ans. I called on Dr. Bardwell in Oxford in June, 1860, and he stated to me that when Col. De Witt spoke to him about the payment of Mr. Jones' legacy, he was not posted in regard to the relations of the Tract Societies; that he supposed the Society at Boston was an agency or auxiliary of the American Tract Society, New York, and as it had withdrawn from that Society, he supposed the legacy ought to be paid to the parent Society, and he so advised Col. De Witt.

He stated that he did not know at that time that the Boston Society had a separate act of incorporation. He also told me that Col. De Witt inquired of Dr. Sweetser, and he gave it as his opinion that the legacy ought to be paid to the Society at New York.

Int. 16. To what extent did the New York Society make grants of publications on the field of the Boston Society during the union?

Ans. The total amount, as appears on our records, is five millions ninety-three thousand one hundred and eighteen pages of its publications.

Int. 17. Will you state how far the residence of life-members can be relied upon as evidence of their being made such by contributions from those places?

[Objected to as incompetent.]

Ans. Persons are made life-members of the Tract Society frequently by friends; pastors of churches by their people; and the residence of pastors and others has often changed, and it is customary, in printing the Annual Report of the Society, to change in the new edition the residence whenever it is known that the individual has removed from his former residence.

[Counsel for the Boston Society not waiving his former objections, and especially the objection that all the matters substantially now testified to by this witness were the subjects of his testimony on a previous examination, puts the following cross-interrogatories, *de bene esse:*]

Cross int. 1. Since giving your former testimony in this case, have you not been present at the examination of all the witnesses examined in behalf of the Boston Society, and also the New York Society?

Ans. I have been present most of the time of the examination.

Cross int. 2. Have you not been present at the examination of every witness?

Ans. I have not been present all the time of the examination of every witness, but most of the time.

Cross int. 3. Have you not been the agent of the New York Society particularly to collect and prepare the evidence in this case, and to assist their counsel in the examination of the same?

Ans. I have acted in that capacity, obtaining testimony and assisting the counsel as far as I could in getting the facts of the case before the Commissioner, and in correcting what I knew to be erroneous testimony.

Cross int. 4. Have you not made it more or less your business to see and converse with persons who you thought might be called as witnesses in this case?

Ans. I have seen and conversed with some. It has been my official business, in part, to do whatever was necessary and proper in regard to having the interests of the Society properly represented in the case.

Cross int. 5. Was not Dr. Edwards a member of the Executive Committee of the Boston Society at the time he was elected a member of the Publishing Committee of the New York Society in 1825?

Ans. He was; but ceased to be a member from the next anniversary, which occurred two weeks from that time.

Cross int. 6. Did not the New York Society keep a separate account of all funds sent them by the Boston Society for foreign distribution?

Ans. They always entered the amount received by itself, as they do all other receipts.

Cross int. 7. Did not the New York Society keep an account of all the funds received by it from the Boston Society for foreign purposes separate from any account of funds received from any other source?

Ans. They always kept a separate entry in the same book in which they kept entries of funds from other sources.

Cross int. 8. Please explain fully what you mean by "a separate entry?"

Ans. I mean that the Assistant Treasurer enters all the monies that he receives in his cash-book, and the source from which it comes; from which he makes up the amount each month, and acknowledges it in the American Messenger as the organ of the Society, and where it appears how much has been received from the Boston Society, and from any other source; so that he is able, at the end of the year, or at any time, to give the amount which has been received from any source.

Cross int. 9. Did not he, or some one else, also enter in a separate account all the money thus received from the Boston Society, and from no other source?

Ans. I could n't say. I've no knowledge that he did; but as I have previously said, he is able from his accounts at any time to make up a full statement of the amount.

Cross int. 10. Do you not know that in the books of the New York Society a separate account has been kept with the Boston

Society, wherein is entered the amount of funds remitted by it for foreign purposes, and in which account no entry is made of any funds received from any other source than the Boston Society?

Ans. I do not know of any, further than in the sense I have mentioned.

Cross int. 11. Do you know that such an account was not kept?

Ans. I can't say that I do. The accounts have always been kept with very great accuracy and particularity by the Assistant Treasurer, and exhibited to the public every month or nearly every month since the formation of the Society, with the donations received, and specifying from what sources.

[The answer, except the first clause, objected to as irresponsive.]

Cross int. 12. Has not a separate account been kept by the New York Society of the funds received by it from the Boston Society for the payment of publications, from the accounts kept by it of the funds which it received from the Boston Society for foreign distribution?

Ans. The account for publications is kept separately from the account of foreign distributions. The publication account is a business account, or a mercantile account. Our books have been kept until recently by single entry.

Cross int. 13. Has not a separate account of the money received from the Boston Society for publications, and also a separate account of the money received from it for foreign distribution, been always kept on the books of the New York Society?

Ans. Separate accounts have always been kept. As I have stated, every item is entered and kept distinct, and the aggregate from each source is brought together monthly and annually.

Cross int. 14. In your direct examination you state you find one instance in the Reports of the Boston Society where they made in one year an appropriation of $2,000 for foreign distribution, without further specification of the object to which it was to be applied; have your researches discovered any other instance? if so, please specify it.

Ans. I do n't recollect any now.

Cross int. 15. If you had found any, would you not have been pretty certain to have made a note of it, and have introduced it into your testimony?

Ans. It 's very likely I should, if it was palpable.

Cross int. 16. In your answer to the 7th direct interrogatory you state, that in the Treasurer's report of the Boston Society for 1828,

there is mention made of a donation of $1,000 to the Tract Society of New York, without specifying any particular object. Do you not find in the records of the Executive Committee of the Boston Society, under date of March 14, 1828, this vote: namely,

"*Voted*, That in view of the pressing wants of the American Tract Society at New York, as communicated to the public in the American Tract Magazine for February, 1828—wants both to meet the payment of their necessary bills, and to furnish their depository with an adequate supply of tracts, $1,000 be remitted as a donation to that Society?"

Ans. Yes; I find the vote as described. It had escaped my recollection, and I relied upon the statement in the Treasurer's report, to which I referred. The two items here referred to as the reasons for making the donation, are the ones which are common in our appeals, for which donations are constantly made.

[The last clause objected to, as not responsive, but merely a comment or argument of the witness.]

Cross int. 17. Was not that vote recorded and subscribed by yourself as Secretary?

Ans. It appears to have been so recorded.

Cross int. 18. In your direct examination, you have referred to the records of the Executive Committee of the Boston Society of September 24, 1824, for the purpose of showing that the title employed therein was simply "American Tract Society:" was there any other Society then in existence bearing the name of the American Tract Society, except the Society at Boston?

Ans. Not that I am aware of.

Cross int. 19. In your direct examination you have referred to several instances in the records of the Executive Committee of the Boston Society where, after the organization of the New York Society and the union of the two Societies, the title "American Tract Society, Boston," or "at Boston" was employed. Is there any instance in these records in which the New York Society is referred to by name of the "American Tract Society," but what the addition is also made of "at New York," or "of New York," or "New York," or where it is referred to simply as the "American Tract Society?" if so, please point it out.

Ans. I made this reference to show that the Boston Society, soon after the union, indicated the Society by its location annexed to its name, as a difference which the question required. I have not examined these records with reference to the particular point to which the question refers, and am unable to state whether there are any

cases in which the American Tract Society, New York, is indicated by its name without the designation New York. There are places, I think, in which it is indicated by the term Parent Society, which I can point out if desired.

[The last clause objected to, as not responsive.]

Cross int. 20. If there were any instances where the New York Society is referred to by the name "American Tract Society," and without the addition of "at New York," or "of New York," or "New York," do you think it very probable that they would have escaped your observation?

Ans. I have not read the minutes through, or read them at all with that object in view; but if I had noticed any case of the kind, I think it probable that I should have recollected it.

Cross int. 21. The simple question is, if there were any case of that kind there, is it very probable that you would *not* have noticed it?

Ans. If there were any such case in the parts that I have read carefully, I should think it not very probable that it would have escaped my notice.

Cross int. 22. Have you not, during the course of this examination, examined the first book of Records, "Exhibit D;" and is there a single page of those records, after the union of the two Societies, which you can say you have not looked at and examined, more or less?

Ans. I have looked over it, I think—turned over perhaps all the leaves, and glanced at the pages. I cannot say that there is a page there that I have not looked at more or less, and I cannot say that there is not a page there that I have not looked at.

Cross int. 23. Is not the same true of the second book of Records, "Exhibit E?"

Ans. I should think it was essentially the same with regard to the second book.

Cross int. 24. Have you not had both of these books in your custody over night, once or more, for the purpose of examination by yourself or your counsel?

Ans. I have had them in my possession over night, put in my hands by Mr. Warren, in connection with the counsel.

Cross int. 25. In your answer to the 10th direct interrogatory, you have undertaken to point out in said records the instances where the Boston Society was designated as the "American Tract Society at Boston," or "Boston," and the first instance you refer to in the meeting of June 16th, 1826. In the very first vote passed at that

meeting, is not the New York Society referred to as the "American Tract Society, New York;" and again as the "Society at New York?"

Ans. I find, in looking at the resolution, that the record is as specified.

Cross int. 26. The second instance you refer to is the meeting of July 12th, 1826: is not, in the record of that meeting, the New York Society referred to first as the "American Tract Society, New York," and again, "the Society at New York?"

Ans. I find on looking at the record, which I had not read before, that it is.

Cross int. 27. The third instance you refer to is the meeting of July 31st, 1826: in the records of that meeting, is not the New York Society referred to as the "American Tract Society, New York," and again as the "American Tract Society, New York?"

Ans. I find it so referred to here twice.

Cross int. 28. You have also referred in said answer to the meeting of January 26th, 1827: is not the New York Society referred to in said record as the "American Tract Society, New York," and again as the "American Tract Society, New York?"

Ans. I find those records here. I wish to say that this mode of distinguishing each other has been common in the records, as far as I have observed, and in the reports of both Societies, but not when speaking of themselves.

Cross int. 29. Have not the published Annual Reports of the New York Society uniformly, or very generally, published a form of bequest to that Society, wherein it has described itself as "The American Tract Society instituted at New York," or words of similar import?

Ans. I think such a form has been published usually on the cover of the Annual Report, and in the early years of the Society, in the Report, as indicating the place where the Society was organized and had its place of business.

Cross int. 30. Has it not been so published in the inside for more than twenty years?

Ans. I am unable to answer the question definitely without examining the Reports. There may be that number.

Cross int. 31. In your direct examination, you referred to a vote of the Executive Committee of the Boston Society of November 12, 1827, to the effect "that the said Committee deem it important to forward funds to the American Tract Society, New York, to be passed to the credit of this Society, whenever they can be spared from

the treasury, at the discretion of their Treasurer :" do you not know that this refers to the remittance of funds for the payment of publications entirely purchased, or which were to be purchased, by the Boston Society of the New York Society, and that it had no reference whatever to donations?

Ans. I stated that that resolution was passed when I was Secretary of the Society, and I have reason to believe that the discretion there authorized was practised to a considerable extent during the union, both in regard to remittances for publications and in donations. My impression is, that the resolution is not necessarily limited to the payment for publications. It is sometimes the case that monies are remitted, and the decision with regard to the application is reserved for subsequent consideration, and I suppose that was the intention in this case in part; so that I cannot say that I *know* that it had no reference whatever to donations.

[Answer objected to as not responsive to the question, but evasive thereof.]

Cross int. 32. Do you mean to be understood as stating as a fact, that when this vote of November 12, 1827, was passed, the Executive Committee thereby intended to include donations of funds from the Boston Society to the New York Society, and to authorize their Treasurer to make such donations at his discretion?

Ans. I do not mean to be so understood; but I do mean that I suppose that it was intended that he should be authorized to forward funds at his discretion; and that so far as payment was due for publications, it was to be made from the funds remitted, and that the balance would be passed to the credit of the Society, for further consideration with regard to the particular use to be made of it.

Cross int. 33. In 1827, when this vote was passed, were the Boston Society in the possession of any funds beyond what they expected would be necessary for the purchase of publications and tract operations generally within its own field?

Ans. I cannot state definitely whether they had any funds other than what they expected to want for the purchase of publications. They had on hand a large amount of publications at the time the union was formed, and for the first year or two they did n't have to buy very largely from New York.

Cross int. 34. At this time, viz., November 1827, and for some time afterwards, were they not in debt to the New York Society for publications?

Ans. Not that I am aware of. If I ever knew they were, I have forgotten.

Cross int. 35. At or prior to this time, November, 1827, had the suggestion, so far as you know, and can now state, ever been made in the Executive Committee of the Boston Society, that they then had, or were likely to have, a surplus of funds beyond their own wants, and which they could donate to the New York Society?

Ans. I believe this was a matter which was frequently spoken of in the Committee. At the meeting, December 18th, 1826, it is stated, "The Rev. Mr. Eastman was present, and presented to the Committee several questions relative to the operations of the Society," and it is "Voted, (after an interesting discussion of two hours,) that a meeting of gentlemen be invited to be held in Hanover vestry on Thursday evening, December 28th, 1826." At this meeting the subject of funds was fully discussed, and in connection with the questions which were proposed—a copy of which I have in my possession, but have not here to-day—the first was, "What is the present state of the Tract cause in New England?" substantially. The answer was, "Very low." The second question was, "What ought it to be?" The answer was, "It ought to be such as to extend the circulation of tracts to every corner of New England," substantially, "and to aid the National Society in circulating their publications as fast as possible throughout the whole country and the world." The third question was, "Whose business is it to make the Society what it ought to be?" The answer was, in the language of Dr. Wisner, "The Executive Committee." And the two hours' discussion referred to in the minutes, (which was the most interesting discussion to me of my life,) was upon what measures they should take to accomplish this object. It was in accordance with their purpose, then formed, to do all they could, that the meeting referred to was called; and from that time during the period that I was connected with the Society as agent and secretary, it was our great effort to do all we could in aiding the National Society in accomplishing its work. From that date there was a pretty rapid increase of contributions to the Society, so that the receipts of the year ending May 27, I think, were $10,335, exceeding those of the previous year by more than $4,000; so that prior to November, 1827, I should say they did expect and were likely to have some funds to appropriate to donations.

[Answer objected to as not responsive in most part to the question, and as otherwise incompetent.]

Cross int. 36. When did the Boston Society first remit funds to the New York Society to be applied to purposes beyond the field of

the Boston Society; and was not this by special vote of the Executive Committee?

Ans. I am unable to state positively when they made their first donation to that Society. They had, I believe, some debts to pay to other parties after the union was formed. The first donation that I find in their treasurer's report, was a donation of $1,000 some time previous to May, 1828. I don't know when it was remitted, whether prior to November 27th, 1827, or otherwise. It was during that year.

Cross int. 37. Do you not find in the records of said Executive Committee a special vote authorizing that donation under date of March 14th, 1828, and being the same vote which you have already testified was recorded by you as secretary?

Ans. I find it to be the same vote.

Cross int. 38. So far as you know, was not that the first donation from the Boston Society to the New York Society?

Ans. I cannot state positively that I know of any one previous.

Cross int. 39. When did you cease to be an officer in the Boston Society?

Ans. I think in October or November, 1828.

Cross int. 40. In your answer to the twelfth direct interrogatory you have undertaken to state certain actions of the Executive Committee of the Boston Society, March 24th, 1830, and also their motives therefor: were you present at said meeting, and have you any personal knowledge in reference to any action at the same, except that you find in the records of said Executive Committee the vote which you quoted in your said answer?

Ans. I was not present at the meeting. I cannot say that I have any personal knowledge of the direct action in the case.

Cross int. 41. To which Society was the legacy given in the will of the late Abbott Lawrence, to which you have referred in your direct testimony, paid?

Ans. I've understood that it was paid to the Boston Society; but it has been claimed of the executors by the New York Society.

[The witness desires to make an explanation of his answer to the fourth cross-interrogatory, and says as follows:]

I wished simply to say, in relation to the witnesses who have testified in behalf of the New York Society, that I had not seen Mr. Chapman, the first witness, for more than a year previous to his appearing in this room to give his testimony; and I never saw the Rev. Mr. Strong until a few minutes before he came in and gave his.

I had no opportunity of conversing with him upon the subject of his testimony. I had never seen Mrs. Pease until the morning she came in to give her testimony. Mr. Robert M. Pease called upon me in New York, and proposed to call again and converse with me on the subject, but did not come in; so that I did n't see him to talk with him about it, except a very few words, and at that time. I saw Col. De Witt in Oxford in February, and had some conversation with him on the subject of the payment of the legacy of Mr. Jones. The morning that he came in to give his testimony, he was sworn before I had an opportunity of conversation with him. I saw Mr. Holmes in this city, and had some conversation with him in reference to the subject, but not particularly about *his* testimony. With Dr. Hallock and Mr. Bliss I 've been on terms of intimacy for forty years, and our familiarity with the operations of the Society being similar, we had several interviews upon the subject.

[And in reply to cross-examination resumed by the counsel for the Boston Society, this deponent saith as follows, viz. :]

Cross resumed 1. Had you not previously corresponded with the Rev. Mr. Strong respecting his testimony in this case?

Ans. Only to invite him to come down.

Cross resumed 2. Did you invite him to come here as a witness without having had any information as to what the general purpose and effect of his testimony would be?

Ans. No, sir.

Cross resumed 3. From whom did you receive that information?

Ans. I do not recollect who gave me the first information with regard to it. I think it was the Rev. Mr. Rockwood.

Cross resumed 4. Did you not request the Rev. Mr. Rockwood to see or to communicate with the Rev. Mr. Strong in reference to this subject?

Ans. I did not.

Cross resumed 5. Did Mr. Rockwood ever see or communicate with the Rev. Mr. Strong with reference to this subject?

Ans. I am not quite positive whether Mr. Rockwood—if I am right about the person—saw Mr. Strong, or whether he told me that some other person had told him of Mr. Strong's views; but I think he saw him. It must have been a year and a half ago, or more.

Cross resumed 6. Was not Mr. Rockwood at this time an agent of your Society?

Ans. He was.

Cross resumed 7. Where did you have the conversation with Mr. Chapman the year previous to giving his testimony?

Ans. In the city of Hartford, the 4th March, 1861.

Cross resumed 8. Did you go there for the purpose of seeing him?

Ans. Partly for that.

Cross resumed 9. Was not all, almost, of your direct testimony at your first examination given from a manuscript previously prepared, and which was then before you?

Ans. It was not near all prepared. Part of it was written, and was before me. I should think not the half of it.

Cross resumed 10. Had said manuscript been seen by Dr. Hallock before you testified?

Ans. I think not. It was made up partly in New York and partly in Boston.

Cross resumed 11. Had it, or any part of it, been read to Dr. Hallock, or its contents in any way communicated to him?

Ans. I think part of it had been read to him. The facts were perfectly familiar to us both.

Cross resumed 12. Was not the manuscript from which Dr. Hallock gave his direct testimony in this case, or a copy of it, or the original of it, examined or read by you, or to you, previous to his testifying?

Ans. He read me some portions of what he proposed to give as his testimony before I left New York, which he did give, or something to the same tenor; but he made changes in it afterwards, that is, after he read it to me.

Cross resumed 13. Were these changes made at your suggestion?

Ans. I think not. They were made after I left New York.

Cross resumed 14. Were not these changes, before they were made, the subject of conversation between you?

Ans. I do not recollect that they were, though we had conversations in reference to what testimony it would be proper to offer in the case.

Cross resumed 15. Is it not your impression and belief that these changes were the subject of conversation?

Ans. My impression is that he made a number of changes and additions of which we had never spoken, and of which I had no knowledge, but I think there are some others of which we had spoken.

Cross resumed 16. Had you not also read or shown to him a copy

of the testimony which had been given by yourself and others so far in this case?

Ans. I think he had seen an imperfect copy of my testimony, but I am not aware that he had seen any others; that is, the testimony of any other witnesses than myself on either side.

[And in reply to direct examination resumed by the counsel for the New York Society, this deponent saith as follows, viz.:]

Direct resumed 1. Will you state your recollection in regard to the adjournment on account of Mr. Warren's requiring more time to prepare his testimony?

[Objected to as irrelevant and incompetent.]

Ans. On Friday, July 11, the counsel for the Boston Society stated that he had an engagement on Saturday after 10 o'clock, and he would prepare some questions for Mr. Warren, and place them in the hands of the Commissioner, and Mr. Warren could go on with his testimony in the absence of the counsel. Judge Redfield also said he would be absent on Saturday. On Saturday the questions were put to Mr. Warren by the Commissioner, and he proceeded with his direct testimony till the hour of adjournment, at 1 o'clock.

On Monday morning at nine o'clock the counsel were present for a short time, when Judge Redfield was called away, and did not return till after the hour of adjournment. Mr. Merwin was also absent most of the morning session, having consented that Mr. Warren should go on in his absence.

The questions which appeared to have been in Mr. Warren's possession from the adjournment on Saturday, and were brought in by him on Monday morning, were put to him by the Commissioner. Mr. Warren proceeded with his testimony till nearly one o'clock, when he remarked that he could not go on much further, till he had more time to make preparation. He was told that the court had once adjourned three weeks to give him time to prepare, and it was hoped we should not have to adjourn on his account again; and he was asked if he could not be prepared after the recess. He replied that he could not, and hoped that the New York Society would call their witnesses. To avoid loss of time, I went out and spoke to a witness to be ready to come in at three o'clock.

At seventeen minutes before the time for adjournment, Mr. Warren declined going on any further till he had more time to prepare. The court then adjourned to three o'clock. In a few minutes the counsel for the Boston Society came in, and expressed surprise to

Mr. Herrick and myself that Mr. Warren had gone. He was told that Mr. Warren declined going on till he had more time to prepare, and that a witness had been spoken to on the other side, who would come in at three o'clock.

He said he was unwell, and could not be present in the afternoon. He made no objection to going on with Mr. Warren's testimony in his absence, but he could not consent to going on in his absence with a new witness.

The court met at three o'clock, and adjourned, solely on Mr. Warren's account, till Tuesday, at 9 A. M.; the Commissioner not being aware that Mr. Merwin was too unwell to go on.

[The counsel of the Boston Society deeming the above answer entirely irrelevant and collateral, and in no view proper to be introduced as testimony, declines to cross-examine thereon.]

O. EASTMAN.

SUPREME JUDICIAL COURT.

Suffolk, ss. *Boston, November 3d*, 1862.

SUPREME JUDICIAL COURT.

Hampshire, ss.

IN CHANCERY:

AT CHAMBERS IN BOSTON, *March* 26, 1862.

THE AMERICAN TRACT SOCIETY OF MASSACHUSETTS,
AND
THE AMERICAN TRACT SOCIETY OF NEW YORK.
} *On a decree to interplead.*

SUPREME JUDICIAL COURT.

Suffolk, ss.

AT LAW.

THE AMERICAN TRACT SOCIETY,

vs.

ALEXANDER DE WITT, *Administrator, etc.*

Pursuant to the agreement of parties hereunto annexed, upon certain days by me appointed for the purpose, I caused the witness, John Tappan, on behalf of the American Tract Society of Massachusetts, and Ornan Eastman, on behalf of the American Tract Society of New York, to be brought before me and examined on behalf of the parties in the above entitled causes.

Each witness, while present before me, was examined carefully on oath touching the premises, and such examination was by me reduced to writing, and subscribed by the said witnesses respectively in my presence, and is herewith returned. Both parties being present by counsel.

Attest,

N. AUSTIN PARKS,
Special Commissioner.

APPENDIX.

CONTAINING A PORTION OF THE EXHIBITS REFERRED TO IN THE PRECEDING TESTIMONY.

EXHIBIT C,

(In part,) referred to on page 64.

THE PUBLISHING COMMITTEE.

The Publishing Committee of the National Society is chosen annually by the Board of Directors of that Society, and by the provisions of the constitution shall contain "no two members from the same ecclesiastical connection; and no tract shall be published to which any member of that Committee shall object." In the harmonious coöperation of the two Societies, nothing has been done to prevent the free action of that Board of Directors in annually electing the Publishing Committee. It was understood by those who were active in effecting the union, that the wishes of the Society at Boston, whose operations, at that time, were more extensive than those of all the other Tract societies in the country united, would be duly regarded in the annual election of the Publishing Committee. At the formation of the Society in New York, three weeks before the union was consummated, the Board of Directors elected Dr. Edwards, who was then the Secretary of the Boston Society and a member of its Committee, as one of the Publishing Committee of the National Society. It is also known to be a fact, though not a matter of record, that when, in 1829, Dr. Edwards, having engaged in his temperance agency, resigned his place in the Publishing Committee, the Secretary at New York communicated with the Secretary at Boston, and it was mutually understood that the election of Rev. Samuel Green would be acceptable to the Boston Committee. The same course was pursued in 1834, on the death of Mr. Green, in reference to the election of Rev. Dr. Fay, who resigned in 1839, and Dr. Edwards was reëlected. In 1853 the same course was pursued in reference to the election of Dr. Adams; and this Society has reason to expect the continuance of such courtesy and Christian confidence, as a means of perpetuating the harmony which has thus far happily existed between these two affiliated institutions.

EXHIBIT G,

Referred to on page 66.

ANNUAL MEETING.

The Forty-fourth Annual Meeting of the American Tract Society was holden, according to notice, in the Tremont Temple, May 24, 1858, at 4 o'clock, P. M.

The President, John Tappan, Esq., in the chair, called the meeting to order.

The meeting was opened with prayer by Rev. E. M. P. Wells, D. D.

The Treasurer, N. P. Kemp, read his Annual Report, duly audited.

Voted, That the Report of the Treasurer, now read, be accepted.

Rev. H. M. Dexter moved that the Society now adjourn to to-morrow, at 9 o'clock, A. M., which was amended by changing the hour to 3 o'clock, P. M. This motion was then put and lost.

The reading of the minutes of the last meeting being called for, they were now read.

Col. Kimball moved that we now proceed to the choice of Officers.

G. G. Hubbard, Esq., claimed the floor for the purpose of offering resolutions, and proceeded to offer a series of printed resolutions, and to advocate them until he gave way for a motion to adjourn. This motion was now put, and the Society voted to adjourn to Tuesday morning, at 9 o'clock, A. M.

Tuesday, May 25. Met according to adjournment, at 9 o'clock, A. M.

The session was opened with prayer by Rev. D. Thurston, D. D., of Maine. The Secretary read the minutes of the previous meeting.

Mr. Hubbard having the floor, proceeded to advocate the following resolutions offered by him:

Whereas, the American Tract Society, instituted in Boston in the year 1814, did, until the year 1825, successfully carry out the objects for which it was organized, "its resources and its operations, (including the circulation and number of tracts issued,) exceeding all other societies in the country;" and whereas in the year 1825 it became "a Branch of the American Tract Society, established at New York," for the purpose "of securing a union of feeling and operation between the American and New York Societies," "with the understanding of those who were active in effecting the union, that the wishes of the Society at Boston should be duly regarded in the annual election of the Publishing Committee," thereby "imparting energy and efficiency to the tract system of this country;"

And whereas, the course of action adopted by the American Tract Society of New York, at its last annual meeting, has resulted in impairing such union of feeling and operation, and the wishes of this Society as expressed in a resolution passed at the last annual meeting, in regard to the election of the Publishing Committee of that Society, have not been regarded; and whereas, while we entertain great regard for the American Tract Society of New York, and respect the wisdom and foresight that have generally characterized its doings, yet we are persuaded that greater energy and efficiency can be imparted to the tract system by a return to the original status of the Society;

Now, therefore, *Resolved*, That we are no longer a Branch of the American Tract Society of New York, our union with that Society having been virtually dissolved by its recent action.

Resolved, That this Society will receive collections, donations, and legacies from all sections of this country, and will take charge of the supervision and disbursement of such funds by their own officers and agents in this and other countries.

Resolved, That the Executive Committee be, and they are hereby instructed to take immediate measures to procure from such sources as it may seem to them expedient, the necessary variety of pious and useful books and tracts, calculated to promote the object for which this Society was incorporated, in sufficient quantities to supply the demands of individuals and societies in different parts of this and other countries, believing that they can be obtained and sold at as cheap, or cheaper rates than under the past organization.

Resolved, That we entertain the highest respect for the wisdom, judgment, and sincerity of the Special Committee of fifteen, appointed by the American Tract So-

ciety of New York, at the annual meeting held in 1856, and heartily adopt the resolutions reported by them, and declare our purpose to carry into effect the principles embraced in those resolutions.

Resolved, That the political aspects of Slavery lie entirely without the proper sphere of this Society, and cannot be discussed in its publications; but that those moral duties which grow out of the existence of slavery, as well as those moral evils and vices which it is known to promote, and which are condemned in Scripture, and so much deplored by evangelical Christians, do undoubtedly fall within the province of this Society, and can and ought to be discussed in a fraternal and Christian spirit.

Whereas, the number of the Executive Committee as originally organized, and while it existed as a Publishing Committee, was fixed at five, and whereas the duties of the Committee will be increased by the adoption of the resolutions offered at this meeting, and a smaller number than the present will give greater efficiency to their action:

Therefore, *Resolved*, That the number of the Executive Committee be fixed at seven.

Resolved, That the action of the Executive Committee of this Society, in their minutes of July 29, wherein they heartily approve of the resolutions passed a year ago by the American Tract Society at New York, be, and is hereby confirmed.

These were opposed and defended by several members.

The Secretary stated the facts respecting the cost of colportage, showing that, from careful investigation for a single year, or a series of years, the cost varied from $104 to $240 a year per man, estimated on the basis of what was paid out of the treasury for this department, and what was paid back from it. The cost varies in different years, according to the field of their labor and other circumstances. He also gave the history of attempts made to do our printing and binding in this city, and the failure of these attempts, because nothing would be gained by it over and above purchasing of the National Society.

The Secretary then read the following letter in reply to a resolution adopted at our annual meeting in 1857.

NEW YORK, May 20, 1858.

Rev. SETH BLISS, Secretary—My dear Brother—At the annual meeting of the Board of Directors of the American Tract Society on the 12th inst., as soon as the President called the Board to order, (prayer having been previously offered,) Rev. Dr. Sommers, our Recording Secretary, rose at the President's side to read to the Board your letter containing the action of the American Tract Society, at Boston, in May last, which was addressed to our Board. At that moment, the Rev. Dr. Bacon, standing in front of Dr. Sommers and not seeing him, called for said letter, and it was read in a loud voice by Dr. De Witt, when Dr. Bacon nominated President Hopkins, in place of Rev. Dr. Nehemiah Adams, as a member of the Publishing Committee.

The ballot then proceeded, and as the result the President announced that the whole Committee, including Dr. Adams, had 367 votes, and that President Hopkins had 56 votes.

With esteem, your Brother in Christ,

WILLIAM A. HALLOCK, *Corresponding Secretary*.

Edward S. Rand, Esq., a member of the Executive Committee, said:

MR. PRESIDENT—I do not intend to enter at all upon the subject of the constitutionality of the question whether we have a right now to publish any thing upon

the moral aspects of slavery. It is simply my purpose, in a very brief manner, to examine the position of our Society, and to show what is the course we should pursue. The question is now brought before us upon the resolutions proposed yesterday. Though I sympathize, in the main, with the mover and with the supporters of the resolutions—though I heartily approve of the principles laid down in the report of the Special Committee of Fifteen to the New York Tract Society, and while I sincerely deplore the retrograde movement of the New York Society at their last meeting, I still do not approve of the resolutions now offered, as a whole. I was of course prepared to find that the adoption of a different policy from that of the New York Society would be presented, and would be urged upon us. I should be sorry, sir, if we did not adopt a different policy from that of the New York Society. But I confess that the resolutions before us seem to me unnecessarily harsh, if not in their words, in their effect. I see no reason why we should adopt the course there laid down. It will serve to alienate the New York Society from us, and place us in a position of antagonism to those brethren with whom we have so long labored harmoniously. I trust that this is not to be the state of feeling between the two Societies, and I see no reason why it should be. In the main policy we are one with them. There is an abundant field open for them and for us ; and as we may, we can go on and labor together.

I think, sir, it is unfortunate that in the resolutions before us it is adopted as the basis and ground of our separation from the New York Society, that our request that we should be permitted to nominate or appoint a member of the Publishing Committee has been rejected, and that our wishes in that respect have been disregarded. It is unfortunate, for the simple reason that that was a right we could not ask. It was not a part of the terms of the union of the two Societies, that we should have any such right. If granted, it would be merely as a matter of courtesy to us. It is therefore wrong, I contend, to place that as a ground of separation from the New York Society. I trust there will be no step of separation, for I think we can go on together. Let us keep together and strive for the accomplishment of the object which I believe has brought nine-tenths of this assembly together to-day.

Mr. Rand's time having expired, a vote was passed that he be allowed to proceed.

Mr. Rand said that he wished to move to amend the resolutions by striking out all but the fourth and fifth, and was about to make further remarks, but there were calls from the audience that Mr. Rand was only allowed to proceed in order to offer his amendment.

Rev. Mr. Copp of Chelsea said, With a view, sir, to a compromise on just and equitable principles, I would move, as a substitute for the resolutions now before the Society the following :

Whereas, The Executive Committee of this Society passed a resolution July 27, 1857, approving certain resolutions adopted by the American Tract Society at New York, at its anniversary in May, 1857 :

Therefore *Resolved*, 1. That we approve of the said act of our Executive Committee, and accept their recommendation to the Executive Committee of the American Tract Society of New York, as set forth in said resolutions.

2. That the important step of severing the connection of our Society from that at New York ought not to be taken in intemperate haste, but with much fraternal deliberation, and in that spirit of tenderness and love in which the relation originated. Therefore, that this subject be referred to the Executive Committee to be chosen at this meeting, and should the Committee judge best, the connection be dissolved.

3. That we recommend the Executive Committee of this Society to publish tracts on those moral duties which grow out of the relation of master and slave, so soon as in their judgment it may best promote the great objects of this Society, and the great cause of righteousness contemplated by such publication so to do.

Mr. Copp stated that his resolutions were the result of a conference between himself and a distinguished gentleman from New Hampshire—Rev. Dr Stone of the Congregational Journal—who desired, as he could not be present, to have it stated that he was cordially in favor of them. Mr. Copp proceeded to a speech in favor of his resolutions, as a means of restoring peace and confidence. He thought they could not afford to lose either the conservative or progressive wing of the Society, and that it was possible to adopt some principle upon which all could unite to sustain the ancient majesty of the Society, and make it known and respected all over the country.

Both the amendment and the substitute were debated. F. D. Stedman, Esq., moved the indefinite postponement of the entire subject.

On motion of E. S. Tobey, Esq., the Society adjourned to 3 o'clock, P. M.

AFTERNOON SESSION.

The meeting was called to order, and on motion, was opened with prayer by Rev. Dr. Osgood of Springfield.

Mr. Stedman having the floor, at the request of several friends, withdrew his motion for indefinite postponement, and the discussion was resumed.

Mr. A. W. Stetson offered a preamble and two resolutions, which were rejected. The question was now taken on the substitute offered by Mr. Copp, and lost.

On motion, Mr. Rand's amendment and Mr. Stetson's resolutions were laid upon the table. The motion of Mr. Rand, that the question be taken on the preamble to the main resolutions first, and then on the resolutions *seriatim*, prevailed. The question was then taken on the preamble, and carried.

Mr. Copp proposed the following as a substitute for the first resolution, which was adopted.

Resolved, That the expediency of dissolving the connection between this Society and the National Society of New York be referred to the Executive Committee, now to be chosen, to report next year.

This was advocated by Dr. Humphrey, Mr. Ropes, Mr. Tappan, Mr. Sessions, and Mr. Eastman, and opposed by Mr. Cushing. The motion to adjourn, by Mr. Tobey, was lost; also the motion of Mr. Marvin, for a Special Committee of nine, to report next year. The question on the amendment by Mr. Copp was taken, and his resolution adopted. The question on the remainder of the resolutions was now taken, and they were all adopted.

On motion of Mr. Hubbard, the By-law was altered, fixing the number of the Executive Committee at seven. Voted to proceed to the election of officers, and the chair appointed a Committee to collect and count the ballots.

Rev. S. Thurston, D. D., of Maine, offered the following resolution, which was adopted without debate:

Resolved, That the Executive Committee be instructed to pay over no money to New York, except for publications.

The Committee to collect and count the ballots for officers now reported, that the whole number was 265, and that the following gentlemen, having a majority of votes, were chosen. [Names of officers omitted.]

Mr. Bliss stated that the Committee on the anniversary exercises had been unable to secure speakers, or a preacher, and that unless the Society now provided for this service, there would be no public meeting on Wednesday evening. Whereupon,

Resolved, That Messrs. James, Adams, and Murdock, be a Committee to provide speakers for this meeting.

Resolved, That we gratefully accept the invitation of the Young Men's Christian Association to take refreshments at their rooms.

On motion of Rev. C. Cushing, the following resolution was adopted:

Whereas, by the action of this Society, the Rev. Seth Bliss now retires from its service as Secretary; therefore

Resolved, That we cannot part with one to whose faithful labors of years much of the efficiency of this Society has been due without expressing our appreciation of his services, our kindly wishes in his behalf, and our sincere prayer that he may still be honored of God as a laborer in the service of our common Master.

Mr. Bliss responded in the following remarks:

CHRISTIAN BRETHREN—This is not the hour for words, but it is the hour for the heart. My official relations to you are now severed. Difference of opinion between official duties and obligations on the one hand, and individual opinion on the other, respecting a subject much controverted by good men, separate me from the relations which you have been pleased to sustain harmoniously for a quarter of a century. Such differences are unavoidable in our present fallible state. But, brethren, it will require greater differences than these to alienate my heart from you. You have welcomed me to your families, to your hospitalities, to your confidence, to your hearts, and to your pulpits. These seasons of Christian communion and mutual labors will never die out of my heart's memories. Wherever, in the providence of God, my lot may be cast, for the brief period of my earthly toils, I shall often live over again those precious seasons. Nothing shall weaken or sunder ties which bind Christian hearts once united in a pure and more exalted fellowship with each other and with our common Master. These ties are stronger and more ennobling than can spring from any official relations. Separate, officially, we now must; but in this higher fellowship we shall still live, and the life of my heart with you will survive all differences of opinion here—to live for ever in a brighter world, where no such differences can ever separate us. Brethren, Farewell.

The Society adjourned to Wednesday evening, at 7½ o'clock.

EXHIBIT C,

(In part,) referred to on page 73.

REPORT OF THE NEW YORK DELEGATION.

"The delegation appointed by the Executive Committee of the American Tract Society, to represent that body at the annual meeting of the Society of the same name at Boston, and to confer with them on the subject of a union, respectfully report:

"That two of their number, the Rev. Dr. Knox and the Rev. Mr. Summerfield,

were prevented, the former by indispensable duties, and the latter by severe indisposition, from proceeding to Boston. The other members of the delegation arrived at that place on Tuesday evening, the 24th instant. On the following day preparatory conferences were held with the members of the Executive Committee of the Boston Society. In the evening of the same day the delegation attended a meeting of the Society itself, for the reading of the Annual Report, the delivery of addresses, etc., in the Old South church, and on the urgent request of the committee of arrangements, took part in the exercises. On the following day the Society's meeting for business was held, when the important question of its union with the National Institution was fully discussed; and the delegation being privileged to sit with the Society and share in its deliberations, communicated whatever information circumstances required in relation to the past proceedings of the Society in this place, the negotiations between the Executive Committee of the two Societies, and their own views of the most eligible prospective measures. The delegation are happy in bearing their testimony to the truly Christian temper with which a protracted and very interesting discussion was conducted, and to the marked respect and kindness with which their own communications were received. It will not appear extraordinary that some considerable variety of sentiment should for a time have obtained, and that several members of the Boston Society, to whom the subject of a union with the National Institution was new, should hesitate in acceding to the propriety of the measure, or differ in opinion as to the time and manner in which it should be accomplished. But the result of a candid and free intercommunication of sentiment, and a full consideration of the reasons urged for a generous and prompt accession to the wishes of the Executive Committee of the Society, was such as might have been anticipated from the characters of the esteemed individuals to whom the decision of the question belonged. Without a dissenting vote the Boston Society agreed to become a branch of this, and authorized their Executive Committee to take the necessary steps for a consummation of the union. In the afternoon of the same day the delegation attended by invitation the meetings of that Committee, and after uniting in prayer for wisdom from above, the terms of union were adjusted in detail in so satisfactory a manner, as to induce the delegation to communicate a written expression of their approbation to the Committee, and to lead them to expect that a formal document of the same kind, if desired, would be transmitted from their constituents. The delegation have great pleasure in stating that the esteemed president of this Society was their associate on all the occasions above mentioned, and that they derived great encouragement and advantage from his presence and advice. They have also great reason to express their gratitude to the brethren in Boston for their kind and affectionate reception and treatment, and to the Executive Committee in particular for the promptness and facility with which they proceeded in carrying into effect a measure of such vital importance to the great object of both Societies as that which, under the blessing of God, was so soon and so harmoniously accomplished. It would be a criminal ingratitude to the great Being who rules in the hearts and guides the affairs of men, if the delegation were to omit the declaration of their persuasion that the deliberations were conducted under the influence of his Spirit, and that to him belongs the honor of their propitious termination. Let us receive it as a pledge of his approbation of our work, and conduct all our future operations with a single eye to his glory.

"JAMES MILNOR,
"GARDINER SPRING,
"CHARLES G. SOMMERS."

"NEW YORK, May 30, 1825."

PROPOSALS ACCEPTED.

The following letter contains the acceptance on the part of the American Tract Society at New York of the overtures made by the American Tract Society at Boston.

NEW YORK, May 31, 1825.

To the Chairman of the Executive Committee of the American Tract Society at Boston:

At a meeting of the Executive Committee of the American Tract Society of this city, on Monday the 30th inst., the Rev. Dr. Milnor, from the Committee of Delegates appointed to represent this Society at the anniversary meeting of the American Tract Society in Boston, and to confer with its Executive Committee on the subject of a union of the two institutions, made a report to which was appended,

1. A certified copy of a resolution adopted at a meeting of the American Tract Society in Boston, on the 26th inst., authorizing its Executive Committee to consummate a union with the National Tract Society established in this city, upon such principles as will promote the great object of both Societies.

2. A certified copy of a series of resolutions adopted at a meeting of the Executive Committee of the American Tract Society at Boston, on the 26th inst., and declared to contain the principles on which that Society consents to become a branch of this institution; and,

3. A note from said delegates, approving of said resolutions.

Wherefore Resolved, That the Report of the delegates be accepted, and that their doings be ratified by this Committee.

Resolved, That this Committee fully approve the resolutions adopted by the Executive Committee of the American Tract Society at Boston on the 26th inst., as reported by the delegates, and are happy in the consummation of the union of the two Societies on the principles therein recognized.

Resolved, That in the absence of the Corresponding Secretary of the Society, a copy of the foregoing resolutions be communicated to the Executive Committee of the American Tract Society at Boston by the Secretary of this Committee.

SYDNEY E. MORSE, *Secretary of the*
Ex. Com. Am. Tract Society.

EXECUTIVE COMMITTEE TO THE PUBLIC.

The Executive Committee of the American Tract Society at Boston about the same time presented to the Christian public their own view of the union thus happily consummated in the following

STATEMENT.

It is well known to the public that a correspondence was opened, during the last winter, between members of the Tract Society in New York and the Executive Committee of this Society, in reference to the establishment of a national institution in that city, and the more extensive diffusion of religious tracts through America. It would be wholly superfluous to give the friends of the Tract Society a particular account of that correspondence, or of the various subjects which it brought under consideration. It is sufficient to say, that our Committee did all in their power to obtain necessary information respecting the proposed union between our Society and that in New York, but did not deem it proper to enter into any engagements, choosing to refer the whole subject to the decision of the Society. The measures which have been adopted in New York, so honorable to the Christian zeal and liberality of gentlemen in that city, and so auspicious to the cause

which the American Tract Society has long labored to promote, have been laid before the public. The national institution which has been established, and for which the sum of $20,000 had been contributed before the commencement of its operations, sent a delegation to the American Tract Society, which held its annual meeting in Boston on the day of our general election. The members of the Society, then assembled, were far more numerous than at any previous meeting. The Society attended to the communications of the delegation from New York, consisting of the Rev. Doctors Milnor and Spring and Rev. Mr. Sommers, and also of their Executive Committee; and after a full discussion of the subject before them, unanimously passed the following resolution: namely,

"*That it is highly desirable for this Society to become a branch of the National Society established at New York; and that the Executive Committee be authorized to consummate this union upon such principles as will promote the great object of both Societies.*"

After the meeting of the Society, the Executive Committee, in connection with the delegation from New York, proceeded, in conformity with the above resolution, and with perfect unanimity in respect to every measure proposed, to consummate the union of this Society with the Society at New York.

The principles of this union will be reported in detail to the Society at their next meeting. It is sufficient now to say, that according to the plan mutually agreed upon, the American Society at New York will adopt our present series of tracts as the basis of theirs, subject to such alterations only as will fit them for circulation among the friends of evangelical truth of different denominations, and will supply all the tracts we receive of them for our depositories at as low a rate as we can publish them in New England. They have also chosen the former Corresponding Secretary of our Society to be a member of their Publishing Committee, and have given him full power to act with the other members of that Committee as to the additional tracts which shall be published by the National Society. The terms agreed upon respecting the Tract Magazine, the Christian Almanac, and all other subjects, are such as must be entirely satisfactory to both Societies.

From this brief statement it will be apparent what reason we have not only to be satisfied, but to rejoice in what has been done. The American Tract Society, which has been in successful operation for so many years, and has taken such strong hold on the affections of the Christian community, retains its distinct organization, its constitution, its members, its funds, its officers, and its auxiliaries; and will, it is hoped, make increasing efforts and have increasing success in promoting its great object, *the dissemination of the most useful religious tracts.* There will be no loss, but it is believed great gain, as to the *economy* with which the great business of publishing tracts in America will be carried forward. There will be great gain also as to the extent to which religious tracts will be spread. The establishment of the institution in New York, with which our Society and other societies are to coöperate, will, it is hoped, contribute ultimately to a tenfold increase of the tracts annually disseminated; while the plan of union adopted secures the inestimable advantage of having the same series of tracts—and that series the best which can be prepared by the united labors of all concerned—disseminated through all parts of our country, and among different denominations of Christians. Who can tell how much will in this way be accomplished towards removing hurtful prejudices, and uniting all the friends of Christ in their affections and prayers, and in their endeavors to advance the prosperity of Zion? Amid the dissensions of past ages, such a coöperation of Christians of different names might have been found impracticable. But blessed be God, a new era has arrived, and things once impossible have now become easy.

The union of different societies in their efforts to disseminate religious tracts

will be likely to give a far greater impulse to the public mind in favor of this mode of doing good; and we trust the result will be that a vastly greater amount of useful tracts will be spread through America than would be done by the efforts of different societies acting separately.

On the whole, we think it will become more and more evident in future time that all the friends of evangelical truth ought to regard the events above recited as a new reason for gratitude to the King of Zion. And while we commit this blessed cause to his almighty protection, and indulge the most cheering confidence in his infinite mercy, and while with pious emotion we exclaim, *What hath God wrought*, we find ourselves urged by a thousand motives to go forward with increasing ardor in our endeavors to do good to the souls of men.

In behalf of the Executive Committee,

LEONARD WOODS.

MAY 31, 1825.

THE UNION RATIFIED BY THE BOSTON SOCIETY.

This Society, at its annual meeting, May 29, 1826, adopted the Annual Report of the Executive Committee, in which they say,

"The Committee cannot but reflect, with the highest gratification, on the amicable and, as they hope, beneficial connection which has taken place between this Society and the American Tract Society instituted at New York. The superior facilities which that city possesses over every other in this country for holding direct and easy communication with all parts of our own land, and with every commercial nation of the world, render it peculiarly adapted to be the seat of a great national institution; and the promptness and liberality with which its conductors and friends in that vicinity have contributed to its growth and efficiency, give the most animating promise that its ultimate usefulness will correspond with the pious wishes, the extensive views, and the spirited enterprise of those who devised it. The managers of this Society have, during the last year, erected a house for the accommodation of its business, at an expense of $20,000. These funds were appropriated to that object by the donors. More than $10,000 have been contributed for printing tracts. The series of this Society already consists of 185 tracts, making nearly six volumes of 400 pages each. The Society has printed 697,900 tracts, comprising more than 8,000,000 pages. It has already begun to form state auxiliaries; and by the catholic spirit which pervades its constitution and its measures, it is leading the smaller societies through our country, and of various denominations of Christians, to coöperate and become its auxiliaries. Although it is a younger member of the same family with us, yet since it has, as your Committee trust, come into existence and been nourished with the same pious feeling and zeal, they by no means regard its rapid enlargement and power with a jealous eye, but hail with joy its high aim and cheering promise to concentrate in itself the piety, the wisdom, and the vigorous united effort of the nation, and to become the radiating point from whence the messengers of truth and salvation shall go forth over the breadth of the world. With this Society your Committee will always be ready to coöperate in every way which shall promise to conduce to the prosperity of the two institutions and the furtherance of their common object. With this view, your Committee, soon after the union of the two Societies, gave official information of the fact and of the terms of union to the members and auxiliaries of this Society: that as both Societies are united in pursuit of the same object, have the same series of tracts, and furnish them at the same prices, the members and auxiliaries of this Society might consult their own convenience and determine

for themselves whether to continue their connection with the Society in Boston, or transfer it to the Society in New York. Several of the former auxiliaries to this Society, and many new tract societies which have been formed, have found it more convenient to receive their tracts from the sister institution.

"The Committee have not introduced this subject of the union with the American Tract Society at New York as furnishing a reason why this Society, or others in this vicinity who have increased its usefulness by their contributions, should relax their efforts, or should feel the obligations to make continued and augmented efforts in its behalf in any measure diminished. On the other hand, they would present this union as a new excitement to effort, because they believe that on the present arrangement the funds of this Society can be productive of more good than if it acted separately from the Society in New York."

EXHIBIT C,

(In part,) referred to on page 80.

[The resolutions here referred to may be found on pages 72 and 73 of the testimony in this volume.]

EXHIBIT S 1,

(In part,) referred to on page 194.

[This Exhibit comprises a complete file of the American Messenger from 1846 to 1855 inclusive. Appended here are brief quotations containing the cases in point in the Messenger for 1846.]

JANUARY MESSENGER, 1846.

Page 1. "American Messenger, published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The following passage is but one among a multitude of kindred excellence in Flavel's Method of Grace, a work just published by the *American Tract Society*," etc.

"Many will remember his chaste address at the late anniversary of the *American Tract Society*," etc.

"The *American Tract Society* have received $63 47 from the first Presbyterian church in Lodiana, Northern India," etc.

Page 2. "The following expressions of interest in the labors of the *American Tract Society* are the more gratefully recognized," etc.

"The synod of Kentucky resolved, 'that in view of the widespread destitutions in our own land, we regard the *American Tract Society* as an efficient coöperation with us in spreading abroad a knowledge of the truth.'"

"At Pottsville a public meeting was held, when it was

"*Resolved*, That this meeting return their unfeigned thanks to the *American Tract Society* for the efforts already made," etc.

"I hereby cheerfully embrace the privilege of consecrating my favorite horse 'Faithful' to the great colporteur work in the service of the *American Tract Society*."

Page 3. "A constitution was adopted, and the Association organized as auxiliary to the *American Tract Society*."

"On December 1, the receipts of the *American Tract Society* in donations, and for sales since April 15."

"A small Reformed Dutch church in F ——, New York, on Thanksgiving-day

resolved, 'that in view of the pressing wants of the *American Tract Society* we will," etc.

"The *American Tract Society* is dear to the church, and to her Head."

"As did all the publications of the *American Tract Society*."

Page 4. "Books of the *American Tract Society*."

"The *American Tract Society* consists of members of different evangelical denominations," etc.

"Receipts into the treasury of the *American Tract Society* during the month ending November 15, 1845."

"Receipts of the *American Tract Society, Boston*, for the month ending November 10, 1845."

FEBRUARY MESSENGER, 1846.

Page 5. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

Page 6. "Doubtless many souls will yet bless the Lord that ever the *American Tract Society* has been formed."

Page 7. "There is danger that in the absorbing efforts of the *American Tract Society* for our own country," etc.

"As to the support extended by the *American Tract Society* to various foreign stations," etc.

"I have myself been long in the habit of dividing my scanty means between the great national benevolent institutions, and among them the American Board of Commissioners for Foreign Missions, the *American Tract Society*, and the American Home Missionary Society have occupied a place the nearest my heart."

"The *American Tract Society*, at the end of the third quarter of the Society's current year," etc.

"Adopted resolutions cordially approving the operations of the *American Tract Society*, and recommending its publications."

Page 8. "The readers of the above article will be gratified to know that the *American Tract Society*, besides publishing," etc.

"And $1,136 65 through the *American Tract Society*, chiefly for colportage."

"At the request of Madame Feller and Dr. Cote of the Grand Ligne mission, the *American Tract Society* have granted them," etc.

"The *American Tract Society* consists of members of different evangelical denominations," etc.

"Receipts into the treasury of the *American Tract Society* from November 15, 1845, to January 1, 1846."

"*Boston American Tract Society*, colportage, $3,303 77."

"Receipts of the *American Tract Society, Boston*, from November 11, 1845, to January 1, 1846."

MARCH MESSENGER, 1846.

Page 9. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"Such an institution is the *American Tract Society*, with its various branches."

"There is no benevolent institution that can lie nearer my heart than the *American Tract Society*."

"The Committee of the *American Tract Society at Boston*."

Page 10. "Rev. J. Tucker, a laborious and successful colporteur of the *American Tract Society at Boston*."

"The *American Tract Society* has 133 colporteurs in the field in twenty-nine states and territories."

Page 11. "He wishes the *American Tract Society* now to add the means of issuing the Saints' Rest."

"The *American Tract Society* is doing a great work—" "the conductors of the *American Tract Society* may rely on the support of the churches," etc.

"We cordially approve the course of the *American Tract Society* in sending a colporteur," etc.

Page 12. "Two volumes just issued by the *American Tract Society*."

"Receipts into the treasury of the *American Tract Society* during the month of January, 1846."

"Receipts of the *American Tract Society, Boston*, for the month ending January 31, 1846."

APRIL MESSENGER, 1846.

Page 13. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The twenty-first anniversary of the *American Tract Society* will be held in the Broadway Tabernacle."

Page 14. "Christian union in connection with an appeal in behalf of the *American Tract Society*."

"There is not a principle which I have laid down in this discourse of which the *American Tract Society* is not a striking exemplification."

Page 15. "To occupy another and wider field in the service of the *American Tract Society*."

Page 16. "Setting before the Welsh nation the liberality of the *American Tract Society* in supplying them," etc.

"Colporteur associations auxiliary to the *American Tract Society* in several counties of Pennsylvania."

"Those excellent, substantial, soul-refreshing volumes published by that noble institution, the *American Tract Society*."

"The *American Tract Society* consists of members of different evangelical denominations, united to diffuse the knowledge of Christ," etc.

"Receipts into the treasury of the *American Tract Society* during the month of February, 1846."

"Receipts of the *American Tract Society, Boston*, for the month ending February 28, 1846."

MAY MESSENGER, 1846.

Page 17. "Published by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The twenty-first anniversary of the *American Tract Society* will be held in the Broadway Tabernacle."

Page 18. "We had the books of the *American Tract Society*, and desired him to select and purchase."

Page 19. "The *American Tract Society* circulated during the year 1845."

"I have felt as never before the great blessing God bestowed on man by raising up the *American Tract Society*."

"A member of the Board of Directors of the *American Tract Society* from the time of its formation."

Page 20. "'Exposition of the Ten Commandments,' recently published by the *American Tract Society*."

"One of the best books ever published by the *American Tract Society* is the volume of Edwards' Thoughts on Revivals of Religion."

"Receipts into the treasury of the *American Tract Society* during the month of March, 1846."

"*Boston American Tract Society*, $1,590."

"Receipts of the *American Tract Society, Boston*, for the month of March, 1846."

JUNE MESSENGER, 1846.

Page 21. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"Twenty-first annual meeting of the *American Tract Society*."

Page 22. "The remittances of the *American Tract Society, Boston*, amounted to $24,419."

Page 24. "The *American Tract Society* consists of members of different evangelical denominations."

"Receipts into the treasury of the *American Tract Society* from April 1 to April 15, 1846."

"*Boston American Tract Society*."

"Receipts of the *American Tract Society, Boston*, for the month of April, 1846."

JULY MESSENGER, 1846.

Page 25. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The house of the *American Tract Society* having spread some years since," etc.

"From Bishop Hopkins' great work on the commandments, lately published by the *American Tract Society*, we select the following:"

Page 26. "No instrumentality applied is better adapted to supply children with books, whether for the Sabbath-school or private reading, than the colporteur system of the *American Tract Society*."

Page 27. "*American Tract Society, Boston*."

"The undersigned gratefully acknowledges the reception of a Christian library from the *American Tract Society*."

"Rev. J. M. Stevenson, late of Troy, Ohio, has been appointed general agent of the *American Tract Society* for the north-western states."

Page 28. "Which with those employed by the *American Tract Society* in Western Virginia."

"This most admirable biography of one of the most excellent of female missionaries is published by the *American Tract Society*."

"A little book by the late Rev. Richard Cecil, published by the *American Tract Society*."

"Receipts into the treasury of the *American Tract Society* from April 15 to June 1, 1846."

"Receipts of the *American Tract Society, Boston*, for the month of May, 1846."

AUGUST MESSENGER, 1846.

Page 29. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The house of the *American Tract Society* having spread some years since, and been found inconvenient," etc.

Page 31. "Nothing in my opinion is more timely than the circulation of these publications of the *American Tract Society*."

"The Congregational Association of Iowa, embracing thirty-two ministers, at their recent meeting resolved, 'That we have entire confidence in the benevolent plans and objects of the *American Tract Society*.'"

"The Franklin, New York, Baptist Association recently resolved unanimously, 'That we regard the *American Tract Society* as an institution,'" etc.

Page 32. "Its supplies are obtained chiefly from the parent Society in London, but in part from the *American Tract Society*," etc.

"The *American Tract Society* has issued an edition of these excellent lectures," etc. "We are happy to announce that a beautiful edition has been issued by the *American Tract Society*, through whose operations it will now be sowed broadcast through the length and breadth of the land."

"The *American Tract Society* consists of members of different evangelical denominations, united," etc.

"Receipts into the treasury of the *American Tract Society* during the month of June, 1846."

"Receipts of the *American Tract Society, Boston*, for the month of June, 1846."

SEPTEMBER MESSENGER, 1846.

Page 33. "Published by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"The corner-stone of the new edifice which the *American Tract Society* are erecting at the corner of Nassau and Spruce-streets, New York."

"The *American Tract Society*. The organization of the *American Tract Society* a little more than twenty years ago formed a new era in the history of the Tract cause."

"A clergyman furnished a tract for the *American Tract Society*, entitled, 'What is it to Believe on Christ?' which the Society published."

Page 35. "Rev. Mr. Stevenson is now laboring in this state as agent of the *American Tract Society*."

"To the *American Tract Society* I enclose $15, to be applied towards the colporteur operations."

Page 36. "The readers of the Messenger will be gratified with the following correspondence between the London and *American Tract Societies* on this all-important subject. 'To the Committee and officers of the *American Tract Society*. Respected Brethren.' 'On the reception of the above, the Committee of the *American Tract Society* unanimously adopted the following minute: viz., The Executive Committee of the *American Tract Society* unanimously and gratefully respond," etc.

"President Edwards' Thoughts on Revivals, published by the *American Tract Society*."

"It seems scarcely necessary to commend any work issued by the *American Tract Society*."

"The *American Tract Society* have just published a neat Pocket Companion in German," etc.

"Receipts into the treasury of the *American Tract Society* during the month of July, 1846."

"*Boston American Tract Society*, $1,000."

"Receipts of the *American Tract Society, Boston*, for the month of July, 1846."

OCTOBER MESSENGER, 1846.

Page 37. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"One of the minor publications of the *American Tract Society*, entitled, 'Daily Food for Christians.'"

Page 38. "Such books are furnished to their hands by the *American Tract Society*."

"The returning spirit of revivals and of primitive Christianity among the colporteurs, agents, and other servants and friends of the *American Tract Society*," etc.

"Ministers extensively are very desirous to obtain the books of the *American Tract Society*.

"We have in the *American Tract Society* a depository from which all denominations may draw Christian books."

"American Itinerant Library, there formed from publications of the *American Tract Society*," etc.

Page 39. "Constantinople, June 16, 1846. Rev. W. A. Hallock, Secretary of *American Tract Society*."

Page 40. "Books of the *American Tract Society*."

"It is impossible to estimate the amount of good the *American Tract Society* is doing."

"Receipts into the treasury of the *American Tract Society* during the month of August, 1846."

"Receipts of the *American Tract Society*, *Boston*, for the month of August, 1846."

NOVEMBER MESSENGER, 1846.

Page 41. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

Page 42. "He was visited by a colporteur of the *American Tract Society*."

Page 43. "To all these points the attention and the coöperation of the *American Tract Society* ought to be powerfully attracted," etc.

"Most gladly would we urge upon your attention and liberality the claims of the *American Tract Society*."

"The Rev. Mr. Stevenson, agent for the *American Tract Society*," etc.

"We regard the work in which the *American Tract Society* is engaged," etc. "This Presbytery most cordially commend the publications of the *American Tract Society*."

"The *American Tract Society* is doing much to extinguish those evils from the world," etc.

Page 44. "The cost of which, as published by the *American Tract Society*, is only six cents," etc.

"A recent tract issued by the *American Tract Society*."

"Receipts into the treasury of the *American Tract Society* during the month of September, 1846."

"Receipts of the *American Tract Society*, *Boston*, for the month of September, 1846."

DECEMBER MESSENGER, 1846.

Page 45. "Published monthly by the *American Tract Society*, at 150 Nassau-street, New York; 28 Cornhill, Boston; 13 North Seventh-street, Philadelphia; and 2 Franklin Buildings, Baltimore."

"If any work has succeeded in accomplishing this, it is the *American Tract Society's* monthly Messenger."

"Our beloved brother J. H. Bate, colporteur of the *American Tract Society*," etc.

"We regard the *American Tract Society* as one of the great arteries through which the lifeblood of our common Christianity circulates through the great spiritual Israel on the American continent."

"The donors, John Taylor, Esq. of Newark, New Jersey, and the Committee of the *American Tract Society*," etc.

"An increasing interest should be taken by the Christian community in the *American Tract Society*," etc.

"This Synod view with deep interest the system of Colportage as conducted by the *American Tract Society*," etc.

"The *American Tract Society* should be encouraged to extend it," etc.

"The above resolutions be sent by the stated clerk to the officers of the *American Tract Society*."

Page 48. "Jay's Christian Contemplated, published by the *American Tract Society*."

"Receipts into the treasury of the *American Tract Society* from October 1 to October 30, 1846."

"*Boston American Tract Society*, $1,000 donation for colportage, $1,300."

"Receipts of the *American Tract Society, Boston*, from October 1 to 29, 1846."

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EXHIBIT L,

(In part,) referred to on page 209.

[This exhibit may be found on page 113 of the testimony in this volume.]

EXHIBIT A,

N. A. P. Com'r., referred to on page 234.

BOSTON, Feb. 28th, 1856.

$4,300.

Received of American Tract Society, O. R. Kingsbury, Ass't. Treas., by hand of N. P. Kemp, four thousand three hundred dollars, for printing and circulating tracts at the following missionary stations:

Arcot	$500	Turkey, Armenians and Jews	$2,000
Madura	200	Syria	300
"	300	Greece	300
Nestorians	500	Seneca Indians	200

O. R. K. $4,300

JAMES M. GORDON, *Treas.*

Approved Feb. 29, 1856.

R. T. HAINES, *Chairman.*

EXHIBIT B,

N. A. P. Com'r., referred to on page 234.

Boston, March 7th, 1856.

$2,200.

Received of American Tract Society, O. R. Kingsbury, Esq., Ass't. Treas., by hand of N. P. Kemp, two thousand two hundred dollars, for printing and circulating tracts at the following missionary stations:

Hong Kong	$200	Greece	$200
Burmah and Karens	500	Hamburg	1,300
		O. R. K.	$2,200

F. A. Smith, *Ass't Treasurer*
Am. Baptist Miss. Union.

Approved March 14, 1856.

R. T. Haines, *Chairman.*

EXHIBIT C,

N. A. P. Com'r., referred to on page 236.

The American Tract Society, Boston, acknowledged in the American Messenger the receipt of the following sums for colportage in 1853 and '54.

MAINE.	1853.	1854.
Bath	$266 73	
Bangor	5 00	
Brooklin	5 00	
Dover	1 00	
Limerick	2 00	
Portland	469 50	400 00
Sedgwick	5 00	
	$754 23	$400 00

NEW HAMPSHIRE.		
Alstead		1 00
Exeter	143 32	10 00
Keene	94 12	30 50
Nashville	25 00	
Nashua		20 00
Northampton	20 00	
Portsmouth	75 00	199 30
Stratham	33 00	
	$390 44	$260 80

VERMONT.		
Burlington	150 00	150 00
Pompanoosuc	10 00	
Rockingham	1 00	
St. Johnsbury		177 33
Woodstock		150 00
	$161 00	$477 33

MASSACHUSETTS.	1853.	1854.
Abington	300 00	208 50
Amesbury	91 29	5 00
Andover	35 00	
Belchertown	10 00	
Beverly	50 00	
Boston	1,325 27	1,899 50
Brighton	10 00	
Brimfield	75 00	
Bristol Co.		150 00
Brookline	150 00	150 00
Cambridge	170 00	160 00
Cambridgeport	370 00	300 00
Centreville	10 00	
Charlestown	221 13	
Chelsea	333 75	150 00
Chicopee	100 00	100 00
Clinton	200 00	325 00
Dorchester	2 00	10 00
East Hampton	150 00	150 00
Enfield	170 00	200 00
Essex	36 00	
Fairhaven	1 50	150 00
Foxboro		150 27
Franklin	155 00	68 89
Framingham		150 00
Goshen	150 00	
Great Barrington	128 60	
Groton	300 00	295 25
Hadley	91 66	
Hanover	2 00	
Haverhill	2 00	

	1853.	1854.
Hull	1 00	
Ipswich	75 00	
Lee	185 12	
Long Meadow	20 00	
Lowell	150 00	155 00
Manchester	136 75	177 00
Marblehead	1 50	150 00
Medfield	1 00	
Medway		26 32
Milford	5 00	
Monson	150 00	150 00
New Bedford		350 00
Newbury	183 33	242 00
Newburyport	200 00	50 00
Newton	33 59	
Northampton	150 00	150 00
Pepperell	75 00	
Portsmouth	60 38	
Reading	150 00	150 00
Rochester		5 00
Royalston	150 00	75 00
Salem	300 00	703 22
Saxonville	1 00	
Sheffield	159 00	
Springfield	337 69	153 35
Southboro	42 79	
Stoneham	25 00	50 00
Sudbury		5 00
Sutton		114 00
Templeton		200 00
Topsfield	13 00	
Upton	18 00	
Wayland	1 65	1 00
Westfield	150 00	
Westford	50 00	
Westminster	48 00	
Whitinsville	75 00	200 00
Wilbraham	300 00	
Winchester	37 50	275 00
Worcester	300 00	150 00
Woburn	150 00	150 00
Wrentham	199 08	150 00
Massachusetts	$8,677 58	$8,502 30
Maine	754 23	400 00
New Hampshire	390 44	260 80
Vermont	161 00	477 33
	$9,983 25	$9,640 43

EXHIBIT D,

N. A. P., Com'r., referred to on page 241.

Extract from the last will and testament of Oliver Dickenson, late of Amherst, which will was proved on the second Tuesday of August, A. D., 1843.

Item. I give and bequeath unto the and to the treasurer of the American Tract Society three hundred dollars, to be paid by my executors within six months after the decease of my wife, provided she should survive me; otherwise within a year after my own decease.

Extract from the last will and testament of Elisha Dickinson, late of Hadley, which will was proved on the first Tuesday in September, A. D., 1833.

What may remain after the decease of my wife, or after she shall have given her quitclaim to any further demands upon my estate, shall be disposed of in the following manner: viz. I give and bequeath one eighth part to the American Tract Society.

Extract from the last will and testament of Azuba Stacy, late of Hadley, which will was proved on the first Tuesday of October, A. D., 1847.

The avails of all notes in my possession at my decease I give and bequeath to the following benevolent societies:

To the Board of Commissioners for Foreign Missions I give and bequeath one half; and the remaining half I give and bequeath to the Home Missionary Society, the American Bible Society, the American Education Society, and the American Tract Society, in equal shares.

Extract from the last will and testament of Catherine Coolidge, late of Hadley, which will was proved on the first Tuesday of September, A. D., 1846.

I give and bequeath to the treasurer of the Tract Society for the time being, for the use of said Society, fifty dollars.

COMMONWEALTH OF MASSACHUSETTS.

Hampshire, ss.

PROBATE COURT.

I, Wm. E. Turner, Temporary Register of the Probate Court for said county of Hampshire, having by law the custody of the seal, and all the records, books, documents, and papers of or appertaining to said court, hereby certify the paper hereto annexed to be true copies of extracts from certain papers appertaining to said court, and on file and of record in the office of said court.

In witness whereof, I have hitherto set my hand and the seal of said court this twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.] WM. E. TURNER, *Temporary Register.*

EXHIBIT H,

N. A. P. Com'r., referred to on page 241.

PROBATE OFFICE, Hampden County, Mass.

Extract from the will of Harriet Stebbins of Springfield, Mass., proved the fourth Tuesday of September, 1857:

"To the American Tract Society I give and bequeath fifty dollars."

Extract from the will of Abiah Chapin, late of Westfield, Mass.:

"I give to the American Tract Society thirty dollars."

I hereby certify that the above extracts from the wills of Harriet Stebbins and Abiah Chapin are correct.

Given under my hand and seal of the Probate Court at Springfield, October 2d, 1862.

[L. S.] WM. L. SMITH, *Temporary Register.*

EXHIBIT G,

N. A. P. Com'r., referred to on page 241.

Extract from the will of Clarissa Ayres, approved November 5, A. D. 1850.

"I give and bequeath to the American Tract Society one hundred dollars."

[Extracts from two wills omitted.]

WORCESTER SS. PROBATE OFFICE, Aug. 30, 1862.

I hereby certify that the foregoing extracts are true copies of parts of the several wills named above.

CHAS. E. STEVENS, *Assist. Register of Probate Court.*

EXHIBIT E,

N. A. P. Com'r., referred to on page 241.

In the name of God, Amen. I, Rebecca D. Gookin of Haverhill in the county of Grafton and state of New Hampshire, being weak in body, but of sound and perfect mind and memory—blessed be Almighty God for the same—do make and publish this my last will and testament, in manner and form following: that is to say,

Firstly, I order and my will is that all my just debts, expense of my last sickness, funeral charges, cost of settling, together with the expense of a suitable tombstone, be paid out of my estate.

Secondly, I order and my will is that one hundred dollars be paid out of my estate to the American Tract Society, to constitute each of the following named grandsons of mine life-members of the same: namely, William T. Gookin, John F. Bunce, Henry E. Boardman, Richard G. Bunce, and William H. Boardman. Also one hundred and twenty dollars to the Home Missionary Society, to constitute the following named granddaughters of mine life-members of the same: namely, Charlotte L. Boardman, Mary C. Bunce, Sarah Ann Boardman, Rebecca G. Boardman, Mary L. Boardman, and Julia A. Boardman.

Thirdly, I give and bequeath to each of the above named grandchildren one hundred dollars.

Fourthly, I give and bequeath to my grandson Richard G. Tileston ten dollars.

Fifthly, I give and bequeath to George A. Ladd and Mary L. Ladd, children of Hiram Ladd, four sheep each.

Sixthly, I give and bequeath all the rest, residue, and remainder of my estate both real and personal to my daughters Ann G. Boardman and my son Warren D. Gookin, to be equally divided between them, except my wearing apparel, which I give and bequeath to my said daughter, and my will is that the legacy which I have given to her shall be for her exclusive benefit for ever.

Lastly, I constitute and appoint Joshua Woodward my sole executor of this my last will and testament, hereby revoking all other wills by me made. In witness whereof, I have hereunto set my hand and seal this eighth day of January, in the year of our Lord one thousand eight hundred and thirty eight.

REBECCA D. GOOKIN. [Seal.]

Signed, sealed, published, and declared by Rebecca D. Gookin as for her last will and testament, in the presence of us, who, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses.

HIRAM LADD.
ELIZA C. LADD.
MARY GOULD.

STATE OF NEW HAMPSHIRE.

Grafton, ss.

At a Court of Probate holden at Rumney in said county, on the twenty-fifth day of January, Anno Domini 1838, the foregoing instrument, purporting to be the last will of Rebecca D. Gookin, late of Haverhill in said county, deceased, having been presented for probate in common form by Joshua Woodward the executor therein named:

It appears to me, the Judge of Probate for said county, by the testimony in court of Hiram Ladd, one of the witnesses whose names are to said instrument

subscribed, that at the time of the execution thereof the said deceased was more than twenty-one years of age and of sane mind; that she did sign, seal, and publish the same as her last will; and that the said Hiram Ladd, with Eliza C. Ladd and Mary Gould, attested and subscribed the same together as witnesses to the execution thereof in the presence of the said devisor: I do therefore decree that the said instrument be, and it is hereby proved, approved, and allowed as the last will of the said devisor.

EDWARD WEBBER, *Judge of Probate.*

A true copy of record. Attest,

L. C. MORSE, *Register.*

EXHIBIT F,

N. A. P. Com'r., referred to on page 241.

PROBATE COURT OFFICE, Middlebury, Vt., Sept. 9th, 1862.

REV. O. EASTMAN:

DEAR SIR—Yours of Sept. 6th is received; contents noted. Our records were all burnt in Feb., 1852, and all records and files then in the office were lost. I find upon our town records copies of the wills of Ethan Andrus, and the language used is, "*American Tract Society.*"

Very truly yours,

[L. S.] CALVIN G. TILDEN, *Judge of Probate Court.*

EXHIBIT I,

N. A. P. Com'r., referred to on page 241.

Extract from the will of Martin Kent of Dorset, Vermont, dated February 28, 1854.

"I give to the American Tract Society fifty dollars."

Extract from the will of Fanny Skinner of Manchester, Vermont, proved and recorded Sept. 27, 1843.

"Fourth, I hereby order and direct that my executor pay out of my estate the sum of one hundred dollars within one year after my decease to the person who shall at the time perform the duties of Treasurer of the American Tract Society, to be expended in promoting the benevolent objects of said Society."

I hereby certify that the above and foregoing extracts from the wills of Mr. Kent and Mrs. Skinner are correct.

Given under my hand and official seal at Manchester, September 22d, 1862.

[L. S.] H. K. FOWLER, *Judge.*

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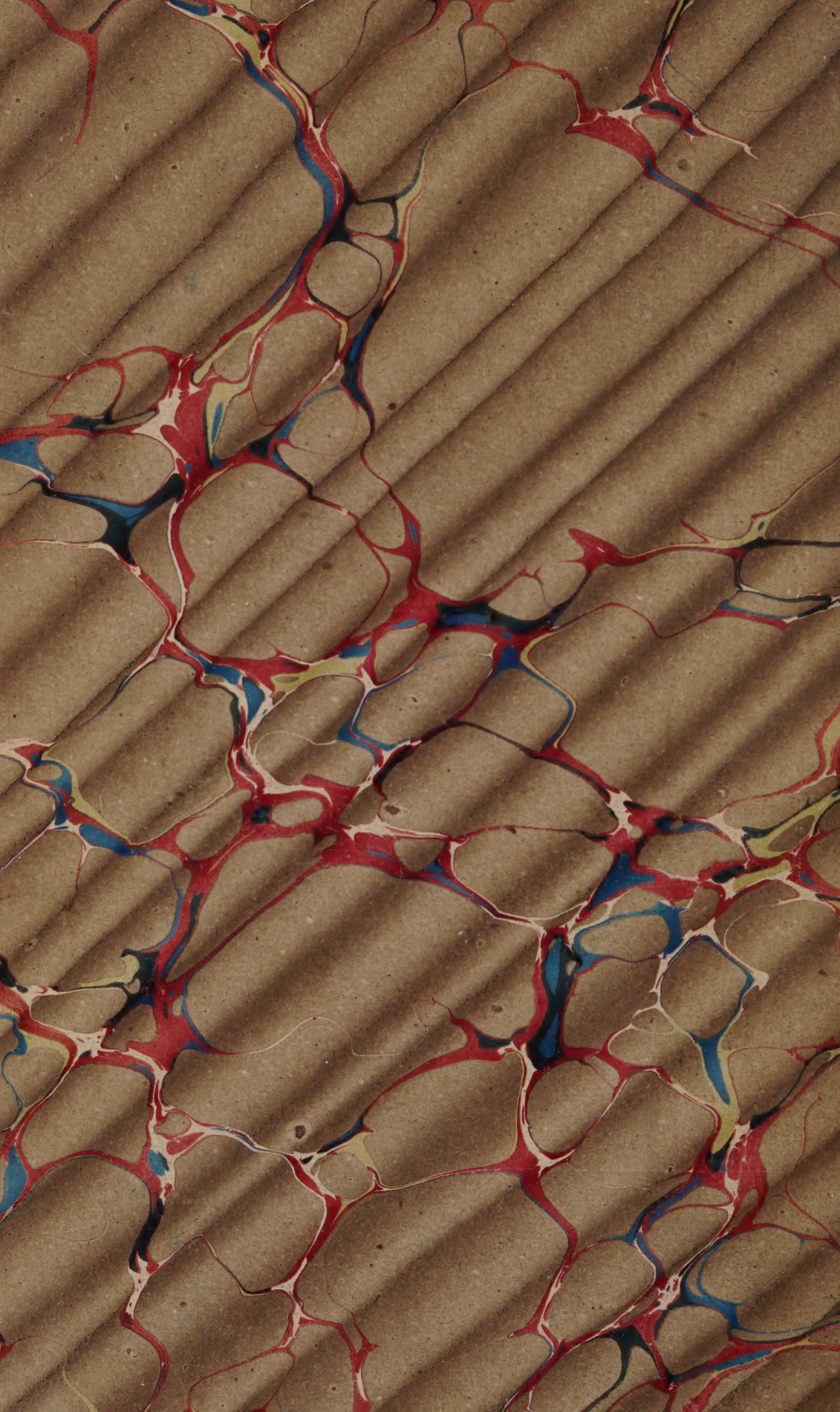

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